

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAMIE LEIGH JONES,
PLAINTIFF,

v.

H-07-CV-2719
HOUSTON, TEXAS
JUNE 30, 2011
8:15 A.M.

HALLIBURTON COMPANY D/B/A
KBR KELLOGG BROWN & ROOT
(KBR); KELLOGG BROWN & ROOT
SERVICES, INC.;
DEFENDANTS.
.

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFFS:

Lannie Todd Kelly
Heidi Olsen Vicknair
The Kelly Law Firm PC
One Riverway
Suite 1150
Richmond, Texas 77056

Ron Estefan
Attorney at Law
One Riverway
Suite 1150
Richmond, Texas 77056

Stephanie Marie Morris
The Law Office of Stephanie M. Morris, PLLC
27 S. Darlington Street
West Chester, Pennsylvania 19382

Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

- - - - -

1 A P P E A R A N C E S: (Continued)

2 FOR DEFENDANT KBR:

3 Joanne Vorpahl
4 Susan Cates
5 Blake Runions
6 Stephanie Holcombe
7 Daniel K. Hedges
8 Porter & Hedges
9 1000 Main Street
10 36th Floor
11 Houston, Texas 77002

12 FOR DEFENDANT CHARLES BORTZ:

13 Andrew T. McKinney, IV
14 Sharon Cullen
15 Brandon Mullen
16 McKinney Cooper LLP
17 Three Riverway
18 Suite 500
19 Houston, Texas 77056

20 OFFICIAL COURT REPORTER:

21 Cheryll K. Barron, CSR, CM, FCRR
22 U.S. District Court
23 515 Rusk Street
24 Houston, Texas 77002
25

- - - - -

1	<u>INDEX</u>	
2		<u>PAGE</u>
3	<u>WITNESSES</u>	
4	Jamie Armstrong	
5	Direct Examination by Ms. Cates	5
6	Cross-Examination by Mr. Kelly	7
7	Cross-Examination by Mr. McKinney	21
8	Joseph Kallan Daigle	
9	Redirect Examination by Mr. Estefan	38
10	Thomas King	
11	Direct Examination by Mr. Estefan	40
12	Cross-Examination by Mr. McKinney	49
13	Cross-Examination by Mr. Hedges	58
14	Dwight Steward	
15	Direct Examination by Mr. Estefan	77
16	Cross-Examination by Mr. McKinney	87
17	Voir Dire Examination by Mr. McKinney	115
18	Cross-Examination by Mr. McKinney	133
19	Cross-Examination by Mr. Hedges	164
20	Dawn Nelson	
21	Direct Examination by Mr. Kelly	169
22	Cross-Examination by Ms. Cullen	196
23	Cross-Examination by Mr. Hedges	220
24	Redirect Examination by Mr. Kelly	223
25	- - - - -	

P R O C E E D I N G S

(Jury not present)

MS. CATES: Your Honor, can I say one thing? The parties agreed on sort of an introductory sentence you might say for Jamie Armstrong, if that's okay.

THE COURT: Are we going to do her first?

MS. CATES: Yes.

THE CASE MANAGER: Yes, she's on the screen.

(Jury present)

THE COURT: Thank you. Please be seated.

Before we resume Mr. Daigle's testimony, we're going to have another witness testify in absentia, Ms. Jamie Armstrong. You've already heard Ms. Jamie Armstrong testify by deposition in this case. She is being presented by video this morning on a very limited scope. Okay.

MS. CATES: Do we need to swear in the witness?

THE COURT: Yes. Ms. Loewe will do that, swear in the witness.

THE CASE MANAGER: Do you solemnly swear the testimony you're about to give in the matter now before the Court will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: I do.

THE COURT: You may inquire.

MS. CATES: Thank you, your Honor.

///

08:18 1 **JAMIE ARMSTRONG, DULY SWORN, TESTIFIED:**

2 **DIRECT EXAMINATION**

3 BY MS. CATES:

4 Q. Hi, Ms. Armstrong. My name is Susan Cates, and I represent
08:18 5 KBR. We've never spoken, have we?

6 A. No. We have not.

7 Q. And you understand that today we're in the trial of Jamie
8 Leigh Jones versus KBR?

9 A. That's correct.

08:18 10 Q. So, when I go back to July of 2005, you were in the
11 containerized housing unit with Ms. Jones on July 28, 2005. Is
12 that correct?

13 A. That is correct. That is correct.

14 Q. And did you understand at that time that she was alleging
08:18 15 that she had been raped by numerous people?

16 A. Yes.

17 Q. And did you understand that it was a sensitive situation?

18 A. Yes.

19 Q. Was your tone or tenor or means of communication of the
08:19 20 type that we would expect of a decent person dealing with
21 somebody who was possibly a rape victim?

22 A. Yes.

23 Q. Did you threaten or intimidate Ms. Jones in any way in that
24 containerized housing unit?

08:19 25 A. No, I did not.

08:19 1 Q. Just so that you understand, Ms. Armstrong, Jamie Leigh
2 Jones, has taken the stand in this trial; and she swore under
3 oath to tell the truth during her testimony. And under oath in
4 this trial, Jamie Leigh Jones testified that you, in connection
08:19 5 with intimidating her to give a statement, said, quote, "You
6 better be careful because another girl was raped and she was
7 buried over here."

8 Did you make that statement to Jamie Leigh Jones?

9 A. No, ma'am, I did not.

08:20 10 Q. Did you threaten Jamie Leigh Jones in any way by saying
11 that a rape victim was buried in Iraq?

12 A. No, ma'am, I did not.

13 Q. Did you say anything to Jamie Leigh Jones about anyone
14 murdering or burying a rape victim?

08:20 15 A. No, I did not.

16 Q. Ms. Armstrong, did you threaten Jamie Leigh Jones' life in
17 any way?

18 A. No, I did not.

19 Q. Did you hear anyone else threaten Jamie Leigh Jones' life
08:20 20 that day or any other day?

21 A. No, I did not.

22 MS. CATES: Thank you, Ms. Armstrong.

23 THE WITNESS: You're welcome.

24 MR. MCKINNEY: I have no questions, your Honor.

08:21 25 THE COURT: Okay. Mr. Kelly.

CROSS-EXAMINATION

BY MR. KELLY:

Q. If you had threatened Ms. Jones, naturally you would come before this Court and admit it to us all, wouldn't you?

A. That is correct.

Q. What Ms. Jones actually told you, Ms. Armstrong, was that she didn't know how many people had raped her. Isn't that true?

A. That is correct.

Q. You told us in your deposition -- and we've heard that -- that you took care of all of Jamie's needs while she was in the trailer, right?

A. That is correct.

Q. You told us that she was free to come and go as she pleased, true?

A. True.

Q. And she was free, for instance, to go back to her own room by herself if she wanted to, true?

A. Yes, she -- yes, that is true.

Q. She didn't really even need you for that purpose, did she?

A. No, she did not.

Q. Now, you claimed that you brought her food in the trailer, didn't you?

A. Yes, sir.

Q. What food did you bring her?

08:22 1 A. It was food from our dining facilities. So, chances were
2 probably a sandwich, boxed juice, bottled water, some fruit
3 maybe.

4 Q. I notice that you used the word "probably." You don't
08:22 5 really remember what food you brought her, do you?

6 A. Not the exact food types, no. I do remember bringing her
7 food to go.

8 Q. Okay. The fact that Jamie remembers specifically that the
9 first food that she had was a kiwi when Heidi McMichael from
08:22 10 the State Department took her to the DFAC, that doesn't -- you
11 don't have that kind of recall of what you did, do you?

12 A. No, sir. I just remember going to the dining facility and
13 getting a to-go container, getting food and drinks as well.

14 Q. The fact that Jamie specifically remembers that kiwi in
08:23 15 light of everything else that happened to her that day sort of
16 makes that a significant event, doesn't it?

17 A. It could.

18 Q. You know, you may not be aware of this; but did you know
19 that Jamie never puts her hair in a towel because it breaks
08:23 20 when she does?

21 MS. CATES: Your Honor, I'm happy to let Ms. Armstrong
22 testify; but at the same time, the parties had agreed and I
23 think the Court had ordered that she come here on a limited
24 basis. We've already played her deposition. We've gone over
08:24 25 all these questions.

08:24

1

MR. KELLY: It goes to credibility.

2

3

4

08:24

5

THE COURT: No, ma'am. Let me ask, ma'am -- can you hear me?

6

7

8

THE CASE MANAGER: They can hear you, but they can't see you.

9

08:24

10

MR. ESTEFAN: She can only see you, Judge, if you're at that mike.

11

12

13

THE COURT: Hello. My name is Keith Ellison. I've been the judge presiding at this trial. Can you hear me all right?

14

08:24

15

THE COURT: Thank you very much for your availability.

16

17

18

19

Can you think of anything that you've said that might have caused Ms. Jones to believe you said that anyone else who had claimed to have been a rape victim was mistreated or in any way harmed by the employer?

08:24

20

THE WITNESS: No, sir, there's nothing that I said.

21

22

THE COURT: Did you mention -- were you aware of anyone else who had claimed rape in the camp?

23

24

08:25

25

THE COURT: Okay. Yeah. Let's let Mr. Kelly finish, but I think we ought to limit ourselves to the specific point

08:25 1 in dispute. I don't think we can properly ask her to stay for
2 a lengthy deposition.

3 MR. KELLY: Your Honor, I don't intend to be lengthy;
4 but I can impeach this witness.

08:25 5 THE COURT: You can, but I don't think you're anywhere
6 close to doing that with talking about food. I really don't.

7 MR. KELLY: I'm beyond food, your Honor.

8 BY MR. KELLY:

9 Q. You testified that you saw Jamie's hair in a towel, didn't
08:25 10 you?

11 A. Yes, I did.

12 Q. But you didn't know at that time that Jamie doesn't put her
13 hair in a towel because it breaks, did you?

14 A. No, sir, I did not.

08:25 15 Q. Now, you said that you went to Jamie's room to get her
16 clothing and supplies, right?

17 MS. CATES: I just reassert the same objection.

18 A. That is correct.

19 BY MR. KELLY:

08:26 20 Q. You know, we heard from William Goodgine. You know who he
21 is, right?

22 A. Yes, I do.

23 Q. And William Goodgine has testified that Jamie's room was
24 locked down tight like a crime scene and no one could get in.

08:26 25 A. Actually, William Goodgine and I went together to pick up

08:26 1 some items to take back to her.

2 Q. Any reason in your mind why William Goodgine wouldn't have
3 told us that?

4 A. No, sir.

08:26 5 Q. Any reason in your mind why when I specifically asked
6 William Goodgine if you could have gotten into Jamie's room,
7 his answer was: Not Jamie Armstrong, not anybody?

8 MS. CATES: Your Honor, I object. I don't think
9 William Goodgine testified to that at all. This exceeds the
08:26 10 scope of even the deposition that was played in this case.

11 THE COURT: And I don't think you can impeach her with
12 something somebody else said. There are conflicting memories.

13 MR. KELLY: Your Honor, I understand; but if it was
14 locked down tight as a crime scene, then there's no way this
08:26 15 witness could have gotten into Jamie's room.

16 THE COURT: That's right, but I think she and
17 Mr. Goodgine have differing memories. That happens after six
18 years.

19 MS. CATES: Well, she just said they went together, so
08:27 20 he let her. I mean, who knows? I just think this is exceeding
21 the scope.

22 BY MR. KELLY:

23 Q. They sealed the room for evidence, right?

24 A. I'm sorry?

08:27 25 Q. They sealed Jamie's room for evidence, didn't they?

08:27

1 A. I do not know.

2 Q. Did you bring Jamie a bra and underwear?

3 A. I know I brought her clothes and shampoo and things for her
4 contacts. I don't specifically remember undergarments. I

08:27

5 think they would have been included.

6 Q. Do you remember Kristen Rumba asking you if you got the
7 poor girl a bra?

8 A. I don't remember that specific question, no.

9 MS. CATES: Your Honor --

08:28

10 BY MR. KELLY:

11 Q. Were you present when Jamie was flown out on the Little
12 Bird?

13 A. Yes, I was. I was in the bird before Jamie.

14 Q. A Little Bird is not a military aircraft, is it?

08:28

15 A. No, sir, it is not.

16 Q. And the way that you get strapped into a Little Bird is
17 with a belay, right?18 A. I don't remember being strapped into the Little Bird but
19 holding on to something on the side.

08:28

20 Q. And the non-military aircraft can fly under different rules
21 than the military aircraft, true?

22 A. I would not know.

23 Q. These are the aircraft that are typically used by KBR
24 management, aren't they?

08:28

25 A. I'm sorry. I don't understand your question.

08:28 1 Q. Does KBR management usually fly on the Little Birds?

2 A. No, sir.

3 Q. Okay. Who normally flies on the Little Birds?

4 A. I would guess security because that's who arranged the
08:29 5 Little Bird.

6 Q. Okay. You recall being asked about Jamie seeing Bortz in
7 the bed at one part of the statement and then not seeing -- not
8 seeing Jamie in another part of the statement. Do you recall
9 that at your deposition?

08:29 10 A. I recall at one point Jamie said that she had woken up with
11 Charles Bortz next to her.

12 Q. Actually, what she said was Charles Bortz was in the room.
13 Isn't that right?

14 THE COURT: We've had -- I mean, we've had conflicting
08:29 15 stories on that.

16 MR. KELLY: But, your Honor, if this witness has
17 testified untruthfully, I think I'm entitled to show the jury
18 that.

19 THE COURT: I think on these details that it's not a
08:30 20 question that I've seen of untruthfulness. It's a question of
21 differing memories. I would be more worried if everyone's
22 testimony harmonized perfectly.

23 MR. KELLY: I agree, your Honor; however, it doesn't
24 and I think that there's been ample implication by the defense
08:30 25 that when Ms. Jones' memory -- Ms. Jones', who was drugged,

08:30 1 memory doesn't comport exactly with what somebody said, the
2 implication is she's lying.

3 THE COURT: I don't think that's the implication at
4 all.

08:30 5 MR. McKINNEY: Judge, if I may be heard on this?
6 Aside from the fact that this is not even remotely impeachment
7 evidence, it's simply asking the same question that Mr. Kelly
8 asked this witness in her deposition presented to the jury
9 already once. It's been asked and answered. We have another
08:30 10 witness on the stand. This witness was called for the limited
11 purpose of addressing Ms. Jones' recently recovered memory
12 regarding this unusual statement that Ms. Jones made. And I
13 think that it's just time to bring all of this to an end.

14 THE COURT: Okay. Let's wind it down. You can ask a
08:31 15 few more questions, but let's wind it down.

16 MR. KELLY: I'm pretty much there anyway, your Honor.
17 BY MR. KELLY:

18 Q. Mr. Goodgine has testified that he asked for the statement
19 from Jamie. Is that true?

08:31 20 MS. CATES: Your Honor, I object. I don't think --
21 A. He may have had a similar statement if he was a security
22 investigator, but I asked for a statement in a human resources
23 capacity.

24 BY MR. KELLY:

08:31 25 Q. I understand. So, you wanted the statement from Jamie?

08:31

1 A. In a human resources capacity.

2 Q. I understand. It wasn't Jamie Jones' request to make a
3 statement to you. Isn't that true?

4 A. That is true.

08:31

5 Q. In fact, you told her that it was important to make the
6 statement, didn't you?

7 A. That is correct.

8 Q. You told her it was important to KBR to have this
9 statement, right?

08:31

10 A. That is correct.

11 Q. Are you aware of a prior rape victim who was killed and
12 buried in Iraq?

13 THE COURT: I think I asked her that question.

14 A. No, sir, I am not.

08:32

15 BY MR. KELLY:

16 Q. You knew at the time that you met with Jamie Jones that she
17 was distraught, true?

18 A. I knew that she was upset, yes.

19 Q. You knew that she didn't want to give a statement at that
20 time, didn't you?

08:32

21 A. She never -- she never denied wanting to give a statement.

22 Q. In fact, you had to write part of her statement because she
23 was so distraught she couldn't do it herself. Isn't that true?

24 A. Sir, I offered to write her statement to make the situation
25 easier.

08:32

08:32 1 Q. Because she was distraught, right?

2 A. Because she was tired.

3 Q. But you weren't going to leave that trailer without a

4 statement, were you?

08:32 5 A. That is not correct.

6 Q. And that's because you knew that the State Department was

7 taking over the investigation and you really weren't going to

8 get another chance. Isn't that true?

9 A. No, sir, it is not.

08:33 10 Q. Jamie had not spoken with a lawyer at the time you took her

11 statement, true?

12 A. That is correct.

13 Q. The only people she had spoken with at that time were

14 people from KBR, true?

08:33 15 A. She had spoken with her mother.

16 Q. She made the statement at around 8:00 p.m. that evening?

17 MS. VORPAHL: Your Honor, this is all covered --

18 A. I don't remember the exact time.

19 BY MR. KELLY:

08:33 20 Q. It was late in the evening, wasn't it?

21 THE COURT: Yeah, I think this has been covered.

22 A. Sir, I do not remember.

23 BY MR. KELLY:

24 Q. It was made after the State Department had told KBR to

08:33 25 stand down, wasn't it?

08:33

1 A. No, sir, it was not.

2 Q. Are you saying that the story about a woman being raped,
3 killed, and buried in Iraq was something that Jamie Jones made
4 up?

08:34

5 A. Sir, this is the first time tonight that I've heard that
6 story.

7 Q. Were you present when Jamie was on the phone with her
8 mother and with her father?

9 A. I walked in at one point when she was on the phone with her
10 mother, yes.

08:34

11 Q. Do you know who Patty Chapman is?

12 MS. CATES: Your Honor, I object. This is
13 completely --

14 A. No, sir, I do not.

08:34

15 THE COURT: Let's wind it up.

16 MR. KELLY: Well, your Honor, Patty Chapman is the
17 witness from Ted Poe's office --

18 MS. CATES: Your Honor, may we approach if he's going
19 to stand here and testify about this?

08:34

20 THE COURT: Yeah, I know who she is; and I don't think
21 this is the right person to ask about that. She doesn't even
22 know the woman.

23 MR. KELLY: Okay.

24 BY MR. KELLY:

08:35

25 Q. You told us in your deposition, Ms. Armstrong, that if

08:35 1 sexual harassment occurred in the Green Zone, you would
2 definitely know about it, true?

3 A. Yes, sir.

4 Q. You didn't know about --

08:35 5 A. Just like human resources.

6 Q. You didn't know about Craig King?

7 A. What?

8 Q. You didn't know about Craig King's sexual harassment, did
9 you?

08:35 10 MS. CATES: Your Honor, this completely exceeds the
11 scope of what we're --

12 A. No, sir, I don't know that name.

13 BY MR. KELLY:

14 Q. You don't know about Jo Frederiksen or her roommate, do
08:35 15 you?

16 MS. CATES: Your Honor, seriously, this is irrelevant.

17 THE COURT: Okay. I think we've had enough. It's way
18 far afield from what we wanted to ask her about.

19 Thank you very much -- oh.

08:35 20 Thank you very much for making yourself available
21 to us, and thank you for your patience. We all appreciate it,
22 both sides and the jury. Thank you.

23 THE WITNESS: Thank you.

24 MR. KELLY: Your Honor, may we approach?

08:36 25 *(At sidebar with all counsel)*

08:36 1 MR. KELLY: Your Honor, it's hard to try a case with
2 my wings clipped. And every time that I have objected to
3 things going outside the scope of anything, the Court's
4 response to me has been: It goes to impeach the credibility.

08:36 5 And that is all that I was trying to do.

6 THE COURT: Reflecting back, I should never have let
7 Ms. Jones' statement in, her recovered memory statement. For
8 her to come up with something like that, that lurid, that
9 sensational without any prior warning to adverse counsel was
08:37 10 really a mistake on my part. We did do this to give them a
11 chance to level the playing field.

12 You had a chance to ask her about the statement.
13 She disavowed the statement. There was no reason to go into
14 picayune details about food or fly bird or whatever to try to
08:37 15 show this woman was lying. That was never within my
16 contemplation when I suggested we talk to her.

17 MR. KELLY: I would like to bring Patty Chapman, your
18 Honor, to show that just because the implication is that
19 Ms. Jones has made up this story, that it's a story of a recent
08:37 20 fabrication and therefore -- and that witness clearly --

21 THE COURT: It is one of recent fabrication.

22 MR. KELLY: It's not fabrication at all. It's a
23 recently resurrected memory, your Honor; and it was recently
24 resurrected because Ms. Chapman recently made contact with
08:37 25 Ms. Jones and reminded her. And because of that, we should be

08:37 1 allowed to bring in Ms. Chapman to show this jury Ms. Jones
2 didn't make this story up at all. It was --

3 THE COURT: We'll discuss that later.

4 MS. VORPAHL: Your Honor, may I say one thing?
08:38 5 Mr. Kelly said that the mother and father both remembered this
6 recovered memory, too. The mother was on the stand. She had
7 the opportunity to say it, and she didn't. They didn't even
8 ask her about it.

9 THE COURT: I know.

08:38 10 MS. VORPAHL: Patty Chapman is somebody they've had
11 contact with since the beginning. Her name is identified in
12 documents that they've had access to, and there is no reason
13 for her to come here.

14 MR. KELLY: Exactly when did I contact her since
08:38 15 you're making the representation that she --

16 MS. VORPAHL: Your client testified to it.

17 MR. KELLY: That I had contact with her? I don't
18 think so.

19 *(In open court)*

08:38 20 MR. ESTEFAN: Your Honor, we're recovering Mr. Daigle.

21 THE COURT: Okay.

22 Okay. You know the program, if you would resume
23 your seat.

24 You're still under oath, of course.

08:39 25 ///

CROSS-EXAMINATION

BY MR. McKINNEY:

Q. Good morning.

A. Morning.

Q. We left yesterday --

MR. McKINNEY: Is the mike on?

THE COURT: Who did that, left the microphone off?

BY MR. McKINNEY:

Q. When we stopped at the end of the day, we were discussing what happened in San Diego. Do you recall that?

A. Yes.

Q. And I don't want to go over all of that in great detail this morning, unless you would like to. If you feel there's something that needs to be clarified or expanded on or explained, I'm happy to hear that.

A. I feel you're asking me to make a lot of assumptions and just because I can assume something doesn't mean that's necessarily how I feel it happened.

Q. Understood. Understood. And I am going to ask you to make one or two more assumptions just to sort of round this out and then we will talk about one or two other things and then we'll be done.

A. Okay.

THE COURT: I guess the jury is having a little trouble hearing you. So, please speak directly into the mike;

08:40 1 and try to keep your voice at a elevated volume if you could.

2 THE WITNESS: Okay. Can you-all hear me now?

3 BY MR. McKINNEY:

4 Q. Recalling that what you described as having happened that
08:41 5 evening as being -- and if I miss -- if I unfairly or
6 inaccurately characterize what you've described -- it's one of
7 those unfortunate but not entirely unheard of altercations that
8 young people, possibly aggravated by alcohol, have from time to
9 time.

08:41 10 Is that a fair general characterization of what
11 happened between you and your wife as you recall it there in
12 the parking lot?

13 A. Yeah, I do believe alcohol did have a factor in it.

14 Q. Yes, sir. Now, if we look at how others, healthcare
08:41 15 professionals in specific, recorded how your wife described
16 that unfortunate event, we have in the first instance you and
17 your wife sitting at a bar and suddenly, and for no good
18 reason, you struck her in the face. Do you recall that from
19 yesterday?

08:42 20 A. I do recall that. I mean, technically we were at the bar
21 when I hit her; but it wasn't inside the bar.

22 Q. Understood. And then you also recalled that
23 Commander Gilford wrote down that your wife said that she had
24 informed you that you were -- that she was pregnant and you
08:42 25 began kicking her in the stomach and hitting her in the face.

08:42 1 Do you recall that from yesterday?

2 A. Yes, I recall that that was written down.

3 Q. And then Commander Gilford reported that Ms. Jones --

4 Ms. Daigle had changed her description and stated that you

08:43 5 had -- you were losing at bowling and became angry and began

6 hitting her in the face and kicking her in the stomach. Do you

7 recall going over that -- that version as recorded by

8 Commander Gilford?

9 A. Right, and I do recall that. A lot of those make sense but

08:43 10 not in the order that they were written down. I mean, we did

11 have a lot of those arguments that night. It wasn't just like

12 one argument that I was -- all of a sudden just snapped. It

13 was a compilation of a bunch of arguments. And it seems like

14 each one of those are bits and pieces and parts of them are

08:43 15 somewhat accurate and parts of them aren't. And it just seems

16 like if I can see what Jamie's statement was that she wrote,

17 then maybe it could fit together a little better for me.

18 Q. Well, a couple of points in view of what you just stated.

19 First of all, do you recall that we reviewed

08:44 20 verbatim the statements that your wife was reported as having

21 made? We reviewed those verbatim in your testimony last

22 night -- or in the afternoon?

23 A. I reviewed what other people had recorded, but I don't

24 think I saw what my wife had written down.

08:44 25 Q. Right. Well, you probably had a chance to visit with your

08:44 1 wife in the evening last night about her memory of those
2 events?

3 A. Actually, I kind of avoided the subject. I don't -- I
4 didn't really discuss a lot with her. I mean, we did talk
08:44 5 about how hard it is to be up on the stand and everything.

6 Q. Well, I know it's not easy being a witness.

7 A. Right.

8 Q. But do you recall telling our jury previously, when I
9 described and read to you verbatim from the various reports,
08:44 10 that none of those statements were true?

11 A. Right, none of them were 100 percent accurate. Like I
12 said, parts of them were somewhat --

13 Q. Actually --

14 A. I mean, nothing all together at once was perfectly
08:45 15 accurate, so --

16 Q. I believe you told us yesterday that you would not, in a
17 million years, kick your wife in the stomach, for example, for
18 informing you that she was pregnant?

19 A. Right.

08:45 20 Q. And you would not, in a million years, kick your wife in
21 the stomach and hit her in the face because you were losing at
22 bowling?

23 A. Right.

24 Q. And so, to sort of wrap this up, if we can --

08:45 25 A. That's fine.

08:45 1 Q. -- if we look at the way your wife is reported to have
2 described the event that you've described in the parking lot,
3 for example, she tells you that she's pregnant and your
4 reaction is to strike her in the face and strike her in the
08:46 5 stomach, if we just take those words as having actually been
6 spoken by your wife -- I know you think they're probably taken
7 out of context or misunderstood -- but if we take the words as
8 they're written down in these actual records that were made at
9 the time, wouldn't it be fair to say that your wife's
08:46 10 description of this unfortunate event casts you -- that is,
11 presents you -- in the worst possible light and casts your wife
12 as the blameless victim? Wouldn't that be a fair description
13 of the way it has been written down by others?

14 A. I don't think it would be very fair because -- I mean, we
08:46 15 were both arguing and a lot of those things that people wrote
16 down were parts of our argument that we had during the day.
17 And, I mean, it -- I don't know if I can just solely put the
18 blame on either of us.

19 I mean, as far as the pregnancy thing, I don't
08:47 20 believe that she told me she was pregnant and we had been
21 arguing about -- because we had been trying to get pregnant for
22 several months, and I don't know the exact time frame that we
23 had been trying. And it was one of our arguments that we did
24 have that night.

08:47 25 THE COURT: I think the question is not whether the

08:47 1 description is fair. The question is whether you would agree
2 that the description as written down portrays you very
3 negatively and your wife very positively.

08:47 4 THE WITNESS: Right. And I was the one that committed
5 the offense. So, I could very easily -- I mean, it was a very
6 negative thing that I did.

7 BY MR. McKINNEY:

8 Q. Understood. So, let's now look at Bortz Exhibit 83 again;
9 and then we're going to be through with this subject.

08:48 10 A. Okay.

11 MR. McKINNEY: Sorry, I don't know why I said --
12 please go to Page 000974.

13 BY MR. McKINNEY:

08:48 14 Q. And I asked you about this previously, and we're going to
15 pick up and move on pretty quickly.

16 A. Yes, sir.

17 Q. In the middle, fourth line down in the highlighted
18 paragraph --

08:48 19 MR. McKINNEY: If we could bring that up, the complete
20 sentence there beginning with "He stated."

21 May I approach the witness?

22 THE COURT: You may.

23 BY MR. McKINNEY:

08:49 24 Q. I would like to call your particular attention to the line
25 beginning "He stated."

08:49 1 A. Okay.

2 Q. Would you mind reading that to yourself?

3 A. Would you like me to read it out loud or to myself?

4 Q. Why don't you read it out loud?

08:49 5 A. Okay. "He stated that he never hit her and that she would

6 say the same thing."

7 Would you like me to read all the lines you have

8 highlighted?

9 Q. Sure, read the next sentence.

08:49 10 A. "Sailor Daigle stated that they had been drinking and his

11 wife was on medication for stress and she knew she should not

12 have been drinking, but she was. Sailor Daigle stated that his

13 wife was involved in" --

14 Q. All right. Now, the sum and substance of what is written

08:49 15 down there as having been statements that you made, did you

16 tell us previously that those, in fact, are statements that you

17 made?

18 A. Yes, I did. If you look at one line before, it also states

19 that, you know, I knew that she needed my support, that I knew

08:50 20 that I was her support system there, and I knew she wouldn't be

21 able to function without me. And so, I was -- easily assume

22 that she would need me there to take care of her.

23 Q. I understand. Focusing on the part there where it states

24 that you denied striking your wife and you reported to

08:50 25 Chief Diaz-Pelot that your wife would back your story --

08:50 1 A. Right.

2 Q. -- and agree that you did not strike her --

3 A. Right.

4 Q. -- that statement was made at a time when you and your wife
08:50 5 were not in communication, correct?

6 A. Correct.

7 Q. Yet, you were confident that your wife would tell the
8 authorities that you had not struck her, correct?

9 A. Correct.

08:51 10 Q. And, in fact, if we turn the page --

11 MR. McKINNEY: And let's bring up these -- no, these
12 statements right here, please.

13 BY MR. McKINNEY:

14 Q. Either that day or the next day, if you read this report in
08:51 15 detail, we will see statements that your wife made to
16 Chief Diaz-Pelot. Do you see those there?

17 A. Yes.

18 Q. Have you seen these before?

19 A. I don't think I've seen this document before. But I --
08:51 20 I've heard the statements before because, obviously, I was
21 involved in the incident.

22 Q. All right. As you can see, Chief Diaz-Pelot wrote down, in
23 quotation marks, that your wife said, "Please remove the MPO.
24 I really need my husband at home."

08:52 25 Do you believe she made that statement?

08:52 1 A. I wasn't there. So, assuming this is a correct document,
2 then she -- I assume she did.

3 Q. Yes, sir. And I'm asking you actually whether you believe
4 in your heart and in your mind that your wife made that
08:52 5 statement?

6 A. I really believe in my heart and mind -- I knew she needed
7 me there, and I believe she did need me at home.

8 Q. Okay. Let's look at the next statement, quote, "He never
9 hit me," close quote.

08:52 10 Do you believe, as you sit here today, that your
11 wife made that statement to Chief Diaz-Pelot?

12 A. Yes, I believe that she did make all those statements there
13 to help me get out of trouble.

14 Q. So, did you know -- I'm just trying to set -- trying to get
08:52 15 my arms around this. Please help me.

16 After you had sobered up, after Ms. Jones had had
17 a night to sleep, it was your sober and conscious belief
18 that -- even though both of you knew something had happened of
19 a physical nature, it was your sober and conscious belief that
08:53 20 your wife would deny that it happened and, even though the
21 truth was that it had happened, that was your belief the next
22 day, correct?

23 A. Yes. I believe she would deny that it happened because I
24 knew how much she needed me for her day-to-day function. I
08:53 25 mean, she couldn't even be able to get food for herself at a

08:53 1 grocery store or anything. So, I knew she would need me there
2 to take care of her.

3 And after the fact, she had even phoned her mom
4 to help her survive for the week until I was able to meet back
08:53 5 up with her.

6 Q. If you look at the very last line, according to your wife's
7 last statement, she states, quote, "I have the ER report which
8 will show that I had no injuries at all," period, close quote.

9 Do you see that?

08:54 10 A. Yes, I see that.

11 Q. And, in fact, the ER report shows exactly that, your wife
12 had no injuries whatsoever?

13 A. But according to the police report, it said that she had
14 a -- that I saw in my depo, I believe, that she had a mark on
08:54 15 her left cheek from where I had struck her and blood in her
16 eyes, if I'm correct.

17 Q. Yes. Did you read the rest of the report which shows that
18 upon further examination, there was no mark and that your
19 wife's eyes were actually simply bloodshot as a result of the
08:54 20 alcohol and the crying?

21 A. I did not read that far into the report.

22 Q. All right.

23 A. I just know that the report said that.

24 Q. And who's -- by the way, who's been furnishing you with
08:54 25 these reports to assist you in your testimony?

08:55 1 A. Like I said, I think I saw that report in my depo; and
2 these other reports, these are the first time I've seen them.
3 Q. All right. Now, changing --
4 A. Yesterday was also the first time I had seen those reports
08:55 5 that you showed me.
6 Q. All right. Changing subjects entirely and completely --
7 A. Okay.
8 Q. And this will certainly come as being totally off topic.
9 When you and your wife got married, you went on a
08:55 10 honeymoon?
11 A. I think we did the honeymoon right before we were married
12 because of the time frame I had to ship out to boot camp.
13 Q. All right. And that was a happy time for you and
14 Ms. Jones?
08:55 15 A. Yes.
16 Q. You had a great trip?
17 A. Yes, overall it was great.
18 Q. There were no incidents, no problems, a good time was had
19 by the two of you?
08:55 20 A. Yes.
21 Q. A great way to start a marriage?
22 A. Yes.
23 Q. The particular honeymoon that you and your wife took was a
24 one-week Carnival cruise. Is that right?
08:56 25 A. Correct.

08:56

1 Q. And, of course, cruise ships are large and carry a lot of
2 people?

3 A. Yes.

4 Q. And you and your wife didn't know any of those folks?

08:56

5 A. No, we didn't.

6 Q. It's not particularly fun to stay in the little stateroom
7 that you live in, you sleep in at night. You would get out and
8 about?

9 A. Yes.

08:56

10 Q. And mingle with the crowds?

11 A. I think we pretty much stuck together, and we didn't really
12 mingle with too many people. There's a lot of stuff to do on
13 the cruise boat, like you can gamble and play cards, go
14 dancing, swimming at the pool. I mean, we did everything

08:56

15 together, so --

16 Q. Understood. I'm just wondering -- well, we've heard that
17 your wife basically can't do anything without you, correct, or
18 someone?

19 A. Or someone.

08:56

20 Q. Someone she knows and trusts?

21 A. Right.

22 Q. And that she becomes very upset and agitated, for example,
23 at the Wal-Mart. We've heard that several times?

24 A. I'm not sure what you're referencing to as far as the

08:57

25 Wal-Mart.

08:57 1 Q. Yes. Well, does -- has your wife, in fact, had episodes in
2 the past where, in your presence, she would experience anxiety
3 while at a grocery store or out shopping or out in public?

4 A. Yes.

08:57 5 Q. And so, for those folks who may not have had a chance to go
6 on a cruise yet, first of all, when you get on a cruise ship,
7 it's quite crowded because literally hundreds of people are
8 walking up the gangplank, shoulder to shoulder at the same
9 time, correct?

08:57 10 A. Correct.

11 Q. And then shortly after you are in your stateroom, as
12 required by the law of the sea, there is an all-passenger
13 abandon ship drill, is there not?

14 A. I don't recall exactly.

08:58 15 Q. Where everyone puts on their life jackets and crowds out on
16 the deck next to the lifeboat and learns what it would be like
17 to have to abandon ship. That's one of the safety precautions
18 that are taken on these cruise lines, is it not?

19 A. I really don't remember doing that; and if they did, I
08:58 20 don't remember it at all.

21 Q. And the reason I'm asking this is, having heard your wife's
22 description and her mother's description of the difficulties
23 that your wife has around strangers, I was just wondering if --
24 and hopefully you can tell us -- if your wife experienced any
08:58 25 particular problems dealing with the large crowds and close

08:58 1 quarters of a cruise ship roughly a year after returning from
2 Iraq.

3 A. I wasn't in my wife's head, but I could assume that she
4 very easily could have. And even if she didn't, didn't tell me
08:59 5 that -- she might have been just wanting me to have a good time
6 and not be dealing with her difficulties, maybe putting herself
7 first.

8 And also, I'd have extensive water survival
9 training and egress training from working offshore on oil rigs
08:59 10 and I could have said, "You know, we don't even need to go to
11 that. We can skip it," because I know how to run one of those
12 lifeboats by myself.

13 So, I could find that a very plausible
14 circumstance, where we just totally skipped the practice
08:59 15 egress.

16 Q. I think -- if I'm wrong, tell me -- but somewhere in your
17 answer was -- were you telling us that throughout the cruise,
18 if your wife did have an anxiety issue because of the crowds or
19 the strangers or the close quarters, she did not bring that up
09:00 20 in conversation that you recall here today?

21 A. Oh, yes, throughout the entire cruise I do remember she did
22 have issues with certain places that I wanted to go and she
23 necessarily didn't want to. And she didn't always tell me the
24 reason behind it, and I could assume that was because there was
09:00 25 a crowd there or for whatever reason she had.

09:00 1 So, yes, we were prevented from doing certain
2 things and I was prevented from doing -- you know, I wanted to
3 go fishing by myself. And that would cause her to be on the
4 cruise ship by herself, and she really didn't want me to do
09:00 5 that. And fishing is my favorite thing to do; so, it was a big
6 sacrifice for me.

7 Q. Let's change gears one more time and talk about your wife's
8 job as an adjunct professor at -- is it the University of
9 Houston?

09:01 10 A. Yes.

11 Q. And I believe you told us in your deposition that your wife
12 leaves home on -- or in this past semester, in the spring
13 semester, that your wife would leave home at 5:00 or 6:00 in
14 the morning and return around noon. Is that correct?

09:01 15 A. That's about right. I'm not really good with time and
16 stuff; but that sounds -- you know, give or take an hour or so,
17 it sounds about right.

18 Q. Well, we can get your deposition out if that would help
19 refresh your memory. But at the time, do you remember telling
09:01 20 us actually, without any qualification, that your wife left at
21 5:00 to 6:00 in the morning and would return around noon to
22 12:30?

23 A. That sounds about right to me.

24 Q. All right. Now, of course, when she would leave, she would
09:01 25 be by herself?

09:01

1 A. Yes.

2 Q. And do you know what time her first class was?

3 A. No. I wasn't really familiar with her schedule.

4 Q. All right. But presumably she wasn't teaching a class at
09:02 5 7:00 in the morning or 6:30 or anything like that?6 A. No. The route she had to go to get there was kind of --
7 there was no, like, highway track to there. So, it was kind of
8 back country roads. So, the traffic was very brutal coming
9 there and going back any time of the day. It was 1488 heading
09:02 10 toward Tomball and cutting across on 2978, I believe, or -- I
11 don't remember the road exactly.12 Q. In any event, your wife would spend somewhere between four
13 and five hours every morning on a college campus with male and
14 female students, male and female instructors, administrative
09:02 15 people, people taking care of the grounds, just a whole variety
16 of folks, and would come home every day and be ready to go to
17 work again the next day, would she not?18 A. She was able to be in her classroom. And as a teacher,
19 she's the only one that had access to that classroom and was
09:03 20 able to allow access. Now, I do not doubt she came across
21 people going to and from class; but it's not like she was
22 spending the whole day with all these multiple people all at
23 once.24 Q. Is it your impression that your wife was teaching class
09:03 25 from roughly 7:00 or 7:30 in the morning until roughly 11:00 or

09:03 1 11:30 and, therefore, was not out and about intermingling with
2 strangers and otherwise acting as most folks do, getting along
3 fairly well with the world? Is that your impression?

4 A. I'm pretty sure she stuck to her classroom and didn't get
09:03 5 out for anything. But I don't know her work schedule either.
6 I don't know the exact hours she was there, so --

7 Q. Did you attend your wife's classes?

8 A. I didn't actually attend a class. I sat out in the parking
9 lot in the car. The first time that I went up there with her
09:04 10 was a tour of the school and she wasn't -- didn't have a class.
11 So, we did that together, but I didn't -- that time wasn't
12 actual attending the class or anything like that.

13 Q. Who would watch the babies while you were sitting in the
14 car?

09:04 15 A. At the time we had only one child and she would either come
16 with me and -- I had a little portable DV player she would
17 watch that kept her pretty well entertained. I'd do numerous
18 things to keep her entertained. I'm a stay-at-home dad. So, I
19 know her ins and outs pretty well.

09:04 20 Q. This past semester you've had two children. Is that
21 correct?

22 A. Correct. Our newest daughter is four months old now.

23 Q. Have you been attending school with your two -- have you
24 been attending school with your wife and the two children?

09:04 25 A. No. By the time she had the second child, it was over

09:05 1 midway through the semester. So, I believe she was pretty
2 comfortable by then and didn't need me to go to school with
3 her. And the way my schedule was, I was doing night classes;
4 and I think one night a week my mother-in-law was the one that
09:05 5 babysat the children. And it was only for a couple of hours,
6 just while I was in class; and I would pick them up on the way
7 home.

8 Q. Thank you. I believe that's all I have.

9 A. Okay.

09:05 10 MR. ESTEFAN: I'll be very brief, your Honor.

11 **JOSEPH KALLAN DAIGLE, PREVIOUSLY SWORN, CONTINUED TO TESTIFY:**

12 **REDIRECT EXAMINATION**

13 BY MR. ESTEFAN:

14 Q. Hi, Kallan.

09:05 15 A. Hi.

16 Q. You told us all about leaving the safe house here in
17 Houston and going back to San Diego, I believe it was, after a
18 week?

19 A. Correct.

09:05 20 Q. Why did you feel it was okay to go back then?

21 A. Well, we felt the danger was compiled with the fact that we
22 were just about to go public with Jamie's story, and to get the
23 threat at that time kind of compiled our fears of there might
24 be something that could happen to us. And during the week we
09:06 25 were gone, it publicly came out; and due to the public

09:06 1 knowledge, we felt we were safer because of everyone knowing
2 that -- what happened to Jamie.

3 Q. Thank you. I want to do away with assumptions about what
4 happened at the bowling alley; and I want to talk about facts.

09:06 5 Was Jamie, in fact, pregnant?

6 A. No. She was not pregnant at the bowling alley.

7 Q. Did you, in fact, kick her?

8 A. No, I did not kick her.

9 Q. Had both of you been drinking?

09:06 10 A. Yes, we had both been drinking.

11 Q. Do you accept responsibility for what you did on that
12 night?

13 A. Yes, I do.

14 Q. That's all the questions.

09:06 15 A. And --

16 Q. I'm sorry. Go ahead.

17 THE COURT: Thank you, Counselor.

18 MR. ESTEFAN: Unless he wanted to finish his answer,
19 your Honor, I'm sorry.

09:06 20 A. I was just going to reiterate how much I regret that it
21 happened, and I'm really appreciative that my wife was able to
22 forgive me. That's it.

23 MR. ESTEFAN: Thank you, Kallan.

24 Pass the witnesses, your Honor.

09:07 25 MS. CATES: I don't have any additional questions.

09:07 1 MR. MCKINNEY: I have nothing, your Honor.

2 THE COURT: Okay. You may step down. You're free to
3 go. Thank you very much.

4 THE WITNESS: To my knowledge, I was allowed to stay
09:07 5 in court after I testified?

6 MR. ESTEFAN: Yes, I think we have that agreement.

7 THE COURT: Okay. Yes, you may.

8 MR. ESTEFAN: Your Honor, plaintiffs call Thomas King
9 to the stand.

09:07 10 THE COURT: Very well.

11 *(Witness being summoned to the stand)*

12 THE COURT: Make your way up here. This will be your
13 seat. Mrs. Loewe will administer the oath before you take your
14 seat.

09:08 15 MS. LOEWE: Do you solemnly swear the testimony you're
16 about to give in the matter now before the Court will be the
17 truth, the whole truth, and nothing but the truth?

18 THE WITNESS: I do.

19 THE COURT: Yes, sir. If you would try to adjust the
09:08 20 mic so you can speak directly into it.

21 You may proceed.

22 MR. ESTEFAN: Thank you, your Honor.

23 **THOMAS KING, DULY SWORN, TESTIFIED:**

24 **DIRECT EXAMINATION**

09:08 25 BY MR. ESTEFAN:

09:08 1 Q. And you may need to pull that microphone a little closer,
2 Mr. King, please.

3 A. How about that?

4 Q. I don't think the jury can hear you.

09:08 5 A. How about that?

6 Q. A little better.

7 A. Is that better?

8 THE COURT: That's better. I think we can do it.

9 BY MR. ESTEFAN:

09:08 10 Q. Please keep your voice up. Thank you, sir.

11 A. Yes, sir.

12 Q. Please state your name.

13 A. Thomas William King.

14 Q. Mr. King, what is your background, please?

09:08 15 A. I'm a Board certified vocational rehabilitation counselor.

16 Q. What does that mean, first of all, to be Board certified?

17 A. To be Board certified, you have to take a rehabilitation
18 test and have educational experience in vocational
19 rehabilitation. It's through the Certified Rehabilitation
09:09 20 Counselors Society in Chicago, Illinois.

21 Q. And I think you alluded to it just now in your answer, but
22 is a vocational rehabilitation counselor someone who helps
23 people try to find work that's suitable for their limitations?

24 A. Yes, sir, that is basically what we do. We work with
09:09 25 people that are physically or mentally impaired, assess their

09:09 1 limitations to employment and then address what they need as
2 far as skills or training or other services in order to help
3 them go back to work.

09:09 4 Q. Mr. King, can you tell us about your education, please,
5 probably starting with college?

6 A. Yes, sir. I obtained my Bachelor's of Science from
7 Mississippi State University in 1974. I also received my
8 Master's of education in vocational rehabilitation counseling
9 from Mississippi State University in 1976.

09:10 10 Upon graduation, I moved to Texas and went to
11 work for the Texas Rehabilitation Commission in La Marque,
12 Texas.

13 Q. Is most of the work that you have done in your work life as
14 a vocational rehabilitation counselor, I believe?

09:10 15 A. It has, yes, sir. I've worked for the -- as I just
16 testified to, for the Texas Rehabilitation Commission. I've
17 worked for insurance companies as a vocational rehabilitation
18 counselor and case manager. I've worked for -- I've been
19 self-employed since 1995, providing rehabilitation services to
09:10 20 different individuals, insurance companies.

21 Q. Will you give any opinions that you give today to a
22 reasonable degree of probability?

23 A. Yes.

24 Q. Why are you involved in this case for Jamie Leigh Jones?

09:11 25 A. I was contacted to meet with Ms. Jones to provide a

09:11 1 vocational assessment of her -- in their office.

2 Q. When you say "they," you mean us, Jamie's lawyers?

3 A. Yes.

4 Q. And you're being paid for the time spent doing the work
09:11 5 you're doing, right?

6 A. I am, yes, sir.

7 Q. How much are you being paid?

8 A. My fee for these services are \$250 an hour.

9 Q. How many hours have you spent on this case?

09:11 10 A. I think my billing to this point has been around \$5,000.

11 Q. Thank you. So, what are you here to tell us about Jamie
12 Leigh Jones?

13 A. Today I would -- I can go over what my assessment was and
14 after I completed around about a two and a half -- about a
09:11 15 two-hour and ten-minute interview with her to do the vocational
16 assessment back in 2011.

17 Q. Okay. And then to form your conclusions, there are factors
18 that you take into account to get to that conclusion or
19 conclusions. Is that a fair statement?

09:12 20 A. Yes, sir, that is.

21 Q. What factors are those, Mr. King?

22 A. That is based on -- a vocational rehabilitation counselor
23 would meet with the individual, do an assessment, as far as an
24 interview with them to get background information, what type of
09:12 25 injury they had, how that injury occurred, what type of

09:12 1 treatment, what current treatment they're under, what
2 limitations they feel like, what their doctors feel like they
3 have as far as going back to work, and then making --
4 addressing what a vocational rehabilitation counselor could do
09:12 5 for that individual to help them go back to work after that
6 incident.

7 Q. You also factor in their employment history?

8 A. We do a complete employment history, starting with their
9 first, what we call "substantial," gainful employment of a
09:12 10 person at a young age up to their current employment status or
11 wherever -- the last job that they worked, up until their
12 injury.

13 Q. Okay. And so, you said that you had a two-hour and
14 ten-minute meeting with Ms. Jones during which you did your
09:13 15 assessment?

16 A. I did, yes, sir.

17 Q. And you've looked at some other documents and records to
18 arrive at your conclusions?

19 A. I did.

09:13 20 Q. And what conclusions have you made as far as Jamie's
21 employ -- I guess -- is "employability" the right word? Or
22 maybe "capacity for work"?

23 A. Yes. I would say we arrived -- I arrived at that based
24 on -- due to the -- her situation and the 2005 accident that
09:13 25 she had, it was a long period of time until a vocational

09:13 1 rehabilitation counselor did an assessment on her. So, in her
2 situation, after the situation in Iraq, she decided -- she went
3 back to school, obtained her college degree, obtained her
4 Master's degree, and then went to work as a teacher. So, she
09:14 5 provided herself with a lot of rehabilitation type services
6 without actually contacting a rehabilitation professional.

7 So, in this situation the -- myself, I got
8 involved with the case after all that had been done. And she
9 had really found an appropriate field to go back to work in
09:14 10 based on her limitations to work, from her incident in Iraq,
11 and was pursuing that at this point. So, in my report I stated
12 what she was doing, the type of income she was making currently
13 as a college instructor, and what she could make in the future.

14 And based on my expertise and opinion, it's a
09:14 15 very appropriate job. I would -- a counselor would say that
16 she is in an occupation that is very appropriate for her
17 limitation to employment, and she seems to be doing as well as
18 expected at this point in her work.

19 Q. Are the methods that you use to arrive at your conclusions
09:15 20 standard methods for professionals in your field?

21 A. Yes. Any vocational counselor would -- how I arrived at my
22 assessment, conclusions, and recommendations, any -- any
23 certified vocational rehabilitation counselor would use the
24 same methods.

09:15 25 Q. Are these methods that you used also used outside the

09:15 1 context of litigation?

2 A. Yes. I work with people through insurance companies,
3 private individuals, any type of assessment you would -- you
4 would do this -- basically an initial vocational assessment
09:15 5 would be done with any individual in any capacity, you know,
6 from any referral source would be done the same way.

7 Q. During your interview with Jamie, did she have trouble
8 remembering dates and time frames and which company she worked
9 for?

09:16 10 A. That was -- I would say that was her primary issue at
11 times, remembering specific dates, how long she worked for
12 different employers, specific salaries, et cetera. That was
13 probably a general issue through the entire assessment of that
14 area.

09:16 15 Q. So, how did you get the accurate information about her past
16 employment?

17 A. Basically, I took the information from the tax returns in
18 the record, employment records that were supplied, to match up
19 what income she was making from her previous past employment.

09:16 20 Q. Do you know what her immediate past job was prior to the
21 assault?

22 A. That would have been work with the Kingwood Christian
23 School.

24 Q. No. I'm sorry. The one -- her employment prior to the
09:17 25 assault in Iraq?

09:17 1 A. Oh, excuse me. That would have been with KBR. She was
2 going to be an information technologist there in Iraq.

3 Q. Could Jamie work full-time today in her previous career as
4 an information technology technician?

09:17 5 A. I would say no, I don't believe. Based on her symptoms and
6 her work limitations and reviewing the records that I reviewed
7 for my assessment, I don't believe she could have returned to
8 that type of work.

9 Q. What is it that is causing Jamie the limitations that
09:17 10 you're describing?

11 A. I think it's -- from her description in our assessment, she
12 had some problems with being around crowds of people. Just
13 being in an information technology type job, she would be
14 having flashbacks if she went back to that type of work.

09:18 15 She made a decision after the incident to not
16 return to that type of work and pursue college; and she was not
17 going to go back and do that type of work. So, she pursued,
18 you know, an alternative shortly thereafter.

19 Q. Well, an information technology person, I suppose, could
09:18 20 work remotely from home or somewhere on the phone. Is that
21 possible?

22 A. Yes, a person could work from their home, could be hooked
23 up working, you know, by telephone or -- of that nature.

24 Q. Is that reasonable to expect her to limit her career
09:18 25 opportunities to having to work from a phone at home?

09:18 1 A. Yes, I would think that would limit her substantially
2 because typically a homebound --

3 THE COURT: I don't think that was quite the question.
4 Maybe you could pose the question again.

09:19 5 BY MR. ESTEFAN:

6 Q. The question is, is it reasonable for her to be limited
7 such -- in her career field, to having to be at home, using a
8 phone to do her job?

9 A. No.

09:19 10 Q. In fact, did KBR, pre-assault, find Jamie qualified to earn
11 the 110,000-plus-dollar salary that they were paying her?

12 A. That is correct, yes, sir. She was started out in -- as an
13 administrative clerk and then was promoted to an information
14 technologist.

09:19 15 Q. During your assessment, when you were visiting with Jamie,
16 were there any attorneys present in that meeting with you and
17 Jamie?

18 A. There was not.

19 Q. Why not?

09:19 20 A. I didn't -- there was not a need for anyone to sit in. She
21 didn't -- she felt okay, comfortable with sitting in with me
22 doing the assessment after explanation.

23 Q. And you -- currently you know that Jamie works part time as
24 a college professor?

09:20 25 A. Yes, sir.

09:20 1 Q. And is that a reasonable position for her to hold, given
2 her limitations?

3 A. Yes, sir.

4 MR. ESTEFAN: Pass the witness, your Honor.

09:20 5 THE COURT: All right.

6 **CROSS-EXAMINATION**

7 BY MR. McKINNEY:

8 Q. Good morning.

9 A. Morning.

09:20 10 Q. I'm Andrew McKinney. I represent Charles Bortz. I've been
11 practicing law 31 years. I don't think you and I have ever
12 met.

13 A. No, sir.

14 Q. Let's go back a little bit. When were you first contacted
09:20 15 by the attorneys for Ms. Jones to act as a vocational rehab
16 expert in this case?

17 A. I believe I would have -- I did the interview April 5th,
18 and it was probably a couple of weeks prior to that. I don't
19 know the exact date.

09:20 20 Q. Do you have an office?

21 A. I have -- I work out of my home.

22 Q. All right. And so, when you interviewed Ms. Jones, where
23 did you interview her?

24 A. I interviewed Ms. Jones in a conference room at the Kelly
09:21 25 Law Firm office.

09:21 1 Q. And is that customarily -- and I say -- that was a poorly
2 phrased question.

3 When you interview or evaluate or assess a client
4 such as Ms. Jones, do you typically do that in the offices of
09:21 5 the attorney that has retained you?

6 A. Yes, sir, you could. I mean, it -- it can be done there,
7 it can be done at their residence. And I would like to correct
8 myself. I do have an executive suite. I can interview people
9 in an executive suite if I need to.

09:21 10 Q. All right. And just in case it matters to anyone, how much
11 of your work is directly for lawyers or companies that are
12 either suing or being sued?

13 A. I would say probably about 1 percent.

14 Q. All right. So, you don't do this very often?

09:22 15 A. No.

16 Q. All right. When you met with Ms. Jones, did you bring with
17 you any industry recognized skills or competency or
18 intelligence type tests that you administered to Ms. Jones to
19 determine what her skill level was, what her competency was in
09:22 20 a given field?

21 A. No, sir. I -- because I -- I could have; but based on the
22 information that I had received, she had obtained a college
23 degree and was currently working. So, at that point I did not
24 feel like -- a need to provide any type of testing under that
09:23 25 situation.

09:23 1 Q. All right. Now, are you familiar with the fact that many,
2 many companies hire many, many people with college degrees?

3 A. Yes, sir.

4 Q. And that many, many of those companies, before hiring
09:23 5 someone with a college degree, administer competency, skill,
6 intelligence, and other tests to assess whether the person is a
7 good fit for a particular position?

8 A. Yes, sir, of course.

9 Q. That's widely done in the private sector, is it not?

09:23 10 A. I don't know the statistics of that. I would say that some
11 do, yes, sir.

12 Q. All right. And so that our jury understands who you are
13 and what you do, you're not a medical doctor?

14 A. That is correct.

09:23 15 Q. And you're not a psychiatrist or psychologist?

16 A. That is correct.

17 Q. And so, you don't have any more ability to read and
18 interpret medical records and psychiatric and psychological
19 testing, diagnostic studies run by physicians than, say, the
09:24 20 lawyers in this room. Would that be fair?

21 A. Well, I would say that -- I mean, I have experience in my
22 field, of reviewing records. I cannot make diagnosis; but I
23 can look at that and say, you know, "Here's limitations from
24 anxiety or concentration problems," that a person might have
09:24 25 from an employment standpoint.

09:24

1

That's how I would review those.

2

Q. All right. All right. Now, in your report -- and I

3

believe your report has been used by the next expert that the

4

jury will hear from as a basis for calculating Ms. Jones'

09:24

5

economic damages. In your report, you compare Ms. Jones' wage

6

loss to other college instructors?

7

A. Yes, sir.

8

Q. And you went online somewhere and found an average salary

9

for all college instructors in the State of Texas?

09:25

10

A. Yes, sir. That -- those documents and that wage

11

information was for the State of Texas.

12

Q. All right. Now, was there a distinction made in the

13

database that you accessed for Ms. Jones -- for the wage data

14

that you used for comparative purposes, was there a distinction

09:25

15

made in the database between college instructors or -- and

16

college professors?

17

A. That would be based on a college instructor, not a tenured

18

professor.

19

Q. Not a tenured professor?

09:25

20

A. Right.

21

Q. All right. Did you happen to bring with you today the

22

database explanation of what college instructors were

23

determined to be for purposes of establishing the average wage?

24

A. I do not have that specific data with me, but it can be

09:26

25

obtained.

09:26 1 Q. Well, for example, was the figure that you used in your
2 report, was that based on all college instructors, those from
3 entry level through 40 years experience?

09:26 4 A. It would be based on -- from entry level to, say, a
5 professor that has been there for a long period of time.

6 Q. And does it include professors?

7 A. It includes college instructors, professors. It's kind of
8 a broad area.

09:26 9 Q. I'm trying to -- yes. And I'm trying to find out how broad
10 it is. Does it include engineering professors at

11 Rice University, for example? Is that part of the database?

09:27 12 A. To briefly explain that, I mean, how that was -- how the
13 wage information was arrived, the -- to just give a little
14 background about that, the Bureau of Labor Statistics provides
15 information from a government standpoint on occupations and
16 wages. Then the Texas Workforce Commission then takes that
17 information and looks at what occupation and wages are in the
18 State of Texas for those jobs. And that's how I arrived at
19 those employment numbers.

09:27 20 So, it's the -- there's not a specific breakdown
21 of how many would be at Rice University or how many would be at
22 UT. It's more of taking all the professors and college
23 instructors at all the major universities, junior colleges,
24 et cetera, in the State of Texas.

09:27 25 Q. I understand. And what you're telling us and telling our

09:27 1 jury is that, if you take all of the engineering professors at
2 Rice University and all of the biology professors at the
3 University of Texas and those that have been teaching for
4 40 years and have written many, many books and if you take all
09:28 5 of their annual salaries and benefits and you average them in
6 with folks like Ms. Jones, who is at an entry level and does
7 not have a PhD, the average number from bottom to top,
8 sideways, throughout the state is approximately \$82,000 or
9 somewhere in that area?

09:28 10 A. Somewhere in that area, yes, sir.

11 Q. And you have taken this average figure of \$82,000, which
12 encompasses people with many, many years experience teaching
13 who have -- are well published and well recognized in the
14 field, you've taken that average figure of \$82,000, you have
09:29 15 subtracted Ms. Jones' annual pay of 25 or \$27,000, correct?

16 A. Yes, sir, that is correct, yes, sir.

17 Q. And you have opined in your report that if you subtract her
18 entry-level salary from the average salary of all of these
19 other folks, that produces a wage loss, correct?

09:29 20 A. Yes, sir.

21 Q. But, in fact, Ms. Jones is at an entry level, correct?

22 A. She's -- I'm not sure I would say she's at an entry -- she
23 is just beginning her teaching as a college instructor
24 certainly.

09:29 25 Q. She's a brand-new instructor?

09:29 1 A. Right.

2 Q. At a satellite campus?

3 A. That's right, yes, sir.

4 Q. To your knowledge she has not published in her field, which
09:30 5 is expected of college instructors, is it not?

6 A. Yes, sir, typically if they stay.

7 Q. She has not presented papers to any professional societies
8 or any academic societies, which, again, is something that
9 college professors and college instructors are expected to do
09:30 10 in order to advance in their careers?

11 A. Yes, sir.

12 Q. She has not achieved a PhD, nor does she appear to be
13 working toward a PhD, has she?

14 A. At this point, no.

09:30 15 Q. There are a substantial number of qualitative differences
16 between Ms. Jones, at her current stage in her academic career,
17 at her current stage in life, and the statistical average that
18 produces the 82,000-dollar number. Isn't that so?

19 A. Yes, sir.

09:30 20 Q. And so, really and truly, taking Ms. Jones, as an
21 entry-level person or a beginning instructor, and comparing her
22 to the average of all college professors throughout the State
23 of Texas and saying that her wage loss is their average wage
24 minus her average wage really is comparing apples to oranges,
09:31 25 isn't it?

09:31 1 A. Well, I would say that those numbers that I gave in my
2 report, I mean, they take into account, I mean, like your
3 example of Rice professors, tenured professors that are
4 writing, all of this, to entry-level college professors. So,
09:31 5 you would have some that would be making a couple of hundred
6 thousand a year to 20 -- you know, part-time instructors. So,
7 I think they -- the Texas Workforce Commission takes all that
8 information in to come up with that median wage of that 89,000
9 that I put in the report.

09:31 10 Q. Yes, sir. But the point is that you don't have a number
11 for other part-time instructors in your report, under the same
12 or similar circumstances as Ms. Jones, for us -- for our jury
13 to use for comparative purposes?

09:32 14 A. Not -- no, not today but that information could be
15 obtained, I would feel sure, through the Texas Workforce
16 Commission.

17 Q. Right. And if you had wanted to, for example, you could
18 have gone out and found the precise wage data for someone in
19 Ms. Jones' statistical cohort and compared that precise wage
09:32 20 data to Ms. Jones' wage data and come up with a more comparable
21 number, could you not?

22 A. You could have looked more specifically at part-time
23 workers, yes, sir.

24 Q. Yes, sir. Now, when it comes to someone's decision to work
09:33 25 part time or full time, that can be for any number of reasons,

09:33 1 can it not?

2 A. Yes, sir.

3 Q. It can be a lifestyle choice, correct?

4 A. Yes, sir, it could be.

09:33 5 Q. It can be the fact that, like Ms. Jones or my law partner,

6 Kim Cooper, kids at the house, cut back on your hours. A lot

7 of women make that decision, do they not, with small children

8 at home?

9 A. They do.

09:33 10 Q. Some folks are doing part-time work because in their chosen

11 or preferred field, there's no full-time work available.

12 A. That would be correct also.

13 Q. Career advancement depends -- is not a statistical issue,

14 it depends on the individual, correct?

09:33 15 A. Yes, that is correct.

16 Q. Every person brings to a job his own particular unique

17 skills, abilities, intelligence, application, ambition,

18 et cetera, correct?

19 A. Yes, sir.

09:34 20 Q. And statistics cannot tell us how far in life Ms. Jones

21 will go, can they?

22 A. No, sir.

23 Q. Ms. Jones herself is the captain of her fate in that

24 regard, correct?

09:34 25 A. Yes, sir.

09:34 1 MR. MCKINNEY: Pass the witness.

2 THE COURT: Okay. Mr. Hedges.

3 How long do you plan to be?

4 MR. HEDGES: Five minutes.

09:34 5 THE COURT: Okay.

6 **CROSS-EXAMINATION**

7 BY MR. HEDGES:

8 Q. Mr. King, I think you testified that Ms. Jones was making
9 somewhere in the vicinity of \$110,000 with KBR at the time she
09:34 10 left them?

11 A. Yes, sir, that was -- I think that was her contract that
12 she was going to be paid.

13 Q. And that's a one-year contract, correct?

14 A. Yes, sir, I think from the records that was a one-year
09:34 15 contract.

16 Q. And it includes working 84 hours a week?

17 A. I don't know the exact number. I think that was -- it was
18 close to that, yes, sir.

19 Q. And it involves hazard pay for being in a war zone?

09:35 20 A. Yes, that would be correct, yes, sir.

21 Q. So, the jury should not take that 110,000-dollar figure and
22 run it out for any period of time more than just that one year.
23 Is that fair?

24 A. For a one-year contract, that would be fair, yes, sir.

09:35 25 Q. Plaintiffs' counsel asked you a question about limiting --

09:35 1 would it be fair to limit Ms. Jones to working from home. I'm
2 pretty confident that you counsel an awful lot of people who
3 do, in fact, work out of their homes. Is that fair?

4 A. I would not say a lot; but yes, I do. Some people, based
09:35 5 on their limitations from their injuries, are only capable of
6 working out of their home.

7 Q. And don't you work out of your home?

8 A. I do work out of my home.

9 Q. Does that limit you?

09:35 10 A. No, it doesn't.

11 Q. And isn't IT work, particularly working with computers,
12 particularly compatible with working at home?

13 A. I think I would say overall that some -- some IT people do
14 work out of their homes. I don't know the exact percentage,
09:36 15 but there are homebound --

16 Q. Don't some IT people who work for Fortune 500 companies out
17 of their homes make a very good living?

18 A. I would think so, yes, sir.

19 Q. And one last area. Did I understand you to say that
09:36 20 Ms. Jones was concerned that if she went back to doing IT work,
21 she would have flashbacks?

22 A. She had mentioned that in our assessment of, you know --

23 Q. Had she done any IT work since returning from Iraq?

24 A. I don't believe so.

09:36 25 Q. So, it wasn't like she had tried to do some IT work and it

09:36 1 caused a flashback. She was just concerned that if she did IT
2 work, she might have a flashback?

3 A. I would -- yes, I would agree with that, yes, sir.

4 Q. Did she really tell you that working around computers might
09:37 5 cause her to have a flashback to a rape?

6 A. No, we did not specifically discuss that notion.

7 MR. HEDGES: Pass the witness, your Honor.

8 THE COURT: Let's take our morning break, please.

9 Would all rise?

10 *(Recess was taken from 9:37 a.m. to 9:52 a.m.)*

11 *(Jury not present)*

12 THE COURT: We need voir dire?

13 MR. KELLY: Before that, I have one issue.

14 THE COURT: Yes, sir.

09:52 15 MR. KELLY: I guess it's a little bit delicate for me;
16 but at -- the last time we were having a bench conference, the
17 Court made the comment, "It is one of recent fabrication," and
18 it was overheard by the jury. I am told by people at my
19 counsel table that the jury definitely took notice.

09:53 20 THE COURT: Well, your table has repeatedly said
21 things that the jury has overheard, just repeatedly, including
22 Ms. Jones herself.

23 MR. KELLY: Your Honor, this prejudices my client with
24 that coming from the Court. What we would like to do -- and I
09:53 25 actually -- we're looking for an e-mail right now so maybe I

09:53 1 can convince the Court that it is not one of recent
2 fabrication. I've made the representation --

3 THE COURT: Definitely recent, right?

4 MR. KELLY: It's recent, but it's not a recent
09:53 5 fabrication.

6 THE COURT: If there's any truth to it, why did you
7 not ask her husband about it, or her mother about it?

8 MR. KELLY: Well, first of all, her husband wasn't
9 around during that time frame, your Honor. She didn't even
09:53 10 meet him until well after that fact.

11 THE COURT: In all these years together, she never
12 went into that?

13 MR. KELLY: Her husband has tried to stay away from
14 the facts of the case for reasons that he's testified to.

09:54 15 But the other thing is, your Honor, as an officer
16 of the court -- and I'll urge it again -- I was present when
17 Patty Chapman reminded Jamie. I watched Jamie light up and go,
18 "Oh, my, God, yes, I remember."

19 This is not one of recent fabrication. This is
09:54 20 one of recent recollection, but not recent fabrication. And
21 the jury heard -- and actually, we're looking for an e-mail
22 that I hopefully can use to at least convince the Court that,
23 in fact, this is true. But I understand we haven't convinced
24 the Court of our position. However --

09:54 25 THE COURT: Well, the Court doesn't have a position on

09:54 1 whether -- who's right and who's wrong. But that
2 unquestionably is very recent and the -- why was her mother not
3 asked about it? She's somebody who allegedly heard this.

4 MR. KELLY: Well, I didn't present her mother. So,
09:54 5 I'll defer to --

6 THE COURT: But anyway, repeatedly the jury has heard
7 things. That just has happened.

8 MR. KELLY: Your Honor, the jury has heard now the
9 Court use the word "fabrication" in response to Ms. Jones -- or
09:54 10 in reference to Ms. Jones.

11 THE COURT: What do you want me to do?

12 MR. KELLY: I want you to allow me to bring
13 Ms. Chapman in here to prove that it was not a fabrication,
14 your Honor. Because I can prove it. The jury has heard the
09:55 15 Court say that my client fabricates --

16 THE COURT: I'm not going to accept that until we hear
17 from the jury but --

18 Yes, sir.

19 MR. HEDGES: I was just going to say, aside from
09:55 20 whether it's a recent fabrication or not, it is the grossest
21 form of hearsay. It's a self-serving statement made by the
22 plaintiff, supposedly, to somebody with Congressman Poe's
23 office. She herself has said it from the stand.

24 So, it's out there to then bring in someone else
09:55 25 who says, "well, six years ago, she said it to me. I have no

09:55 1 idea whether it's true or not, but she said it to me," which is
2 remarkable hearsay.

3 MS. VORPAHL: Especially given the fact that they've
4 known about this witness for a long time. Ms. Jones herself
09:55 5 said that she had met with or talked to Patty Chapman in times
6 past, recently reconnected with her a week ago Sunday or
7 something like that. Her name is all over the Poe records.
8 They could have designated her if they thought she was that
9 important.

09:56 10 MR. KELLY: As is typical, when Ms. Vorpahl represents
11 what's happened on the plaintiffs' side, your Honor, she makes
12 assumptions that are not true.

13 MR. MCKINNEY: Excuse me.

14 THE COURT: You did try to depose her?

09:56 15 MR. KELLY: No. But this idea that we've had these
16 ongoing conversations in the past with Ms. Chapman and that
17 there was -- no. Ms. Chapman was contacted as "the lady at Ted
18 Poe's office." While her name may be in the records, her
19 import was not known to me until Sunday a week -- a week ago
09:56 20 from this past Sunday, when she contacted us after hearing news
21 of this trial beginning.

22 MS. VORPAHL: I didn't say that her import was known
23 to you for a long time, Mr. Kelly. I said that I believe that
24 your client testified that she had prior contact with Patty
09:56 25 Chapman and then it was after the trial began that she had

09:57 1 contact with her again.

2 I believe allowing Patty Chapman to come here and
3 testify, given that she was not designated and she was well
4 known to the plaintiffs or should have been well known to the
09:57 5 plaintiffs for a long time, would be improper.

6 MR. KELLY: The record about what you said about me
7 will speak for itself, Ms. Vorpahl.

8 THE COURT: Why is it admissible?

9 MR. KELLY: Why what, your Honor?

09:57 10 THE COURT: Why is anything she said admissible?

11 MR. KELLY: Well, it certainly goes to show -- with
12 respect to Ms. Jones' comment, it is her present sense
13 impression because it certainly goes to her fear at the time
14 that she's in the trailer. As to --

09:57 15 THE COURT: What we're worried about is the statement
16 made a week ago or whatever --

17 MR. KELLY: Right.

18 THE COURT: -- by Ms. Chapman. What is --

19 MR. KELLY: As to Ms. Chapman, it goes to rebut a
09:57 20 presumption of a recent fabrication, your Honor.

21 THE COURT: I need a hearsay exception, though.

22 MR. KELLY: That is it. It's -- it's not being
23 admitted for the truth of the matter asserted, your Honor.
24 It's being admitted to rebut the presumption of a recent
09:58 25 fabrication. And that is classically non-hearsay.

09:58 1 MS. HOLCOMBE: The only way that would rebut a recent
2 fabrication is to very much say that the statement was, in
3 fact, true --

4 MR. KELLY: No.

09:58 5 MS. HOLCOMBE: -- which goes to the very heart of it.

6 Furthermore, your Honor, I would just add that
7 even if -- assuming it is correct that Ms. Jones had a
8 recovered memory six years later, her father and her mother
9 have not had recovered memories, they're not suffering from the
09:58 10 same post-traumatic stress syndrome she's claiming. There has
11 been media. They've gone over the story over and over.
12 There's been a book where they've gone over and over and over
13 these stories, where her mother even helped her write the book,
14 where she --

09:58 15 THE COURT: And her husband.

16 MS. HOLCOMBE: And her husband. And yet, even the
17 three of them -- or just the two of them, mother and father,
18 have never brought it back to Ms. Jones' attention until just
19 recently. And yet they weren't even asked -- or Ms. Jones --
09:58 20 Ms. Breanna Morgan was not asked about that on the stand, where
21 we could have avoided the very hearsay concern that this --
22 what is enveloping this Court now with Ms. Chapman's testimony.
23 And that was something they chose not to --

24 Sorry, Mr. McKinney. You have not gotten a
09:59 25 chance to speak.

09:59 1 MR. MCKINNEY: If I may, the -- to bring us back to
2 how this subject came up, we had a bench conference and the
3 Court --

4 THE COURT: It was an unnecessary bench conference; I
09:59 5 will point that out, too.

6 MR. MCKINNEY: Yes, it was an unnecessary bench
7 conference.

8 And it was, I believe, at the urging of Mr. Kelly
9 that the subject of Ms. Chapman came up at the bench
09:59 10 conference, off topic. And I believe the Court did say
11 something about a recent fabrication. However, I believe the
12 Court -- and the record will speak for this -- immediately
13 modified the Court's take on that. I don't know that the jury
14 has heard it. I don't know that the jury is unduly influenced
10:00 15 by it.

16 THE COURT: I don't know if the jury -- recent
17 fabrication of what? I mean, what? Ms. Chapman? We don't
18 know.

19 The jury has heard about our bench conferences.
10:00 20 That's one of the frailties with the technology in here.
21 Without knowing whether I was referring to Ms. Chapman or
22 Ms. Jones or somebody else different, I'm not terribly worried
23 about it.

24 MS. HOLCOMBE: Or even counsel. It could have been a
10:00 25 recent fabrication of one of us, too. There's no way to know.

10:00 1 MR. KELLY: Your Honor, with all due respect, taken in
2 context, based upon the timing of the bench conference, based
3 upon the testimony that had just been done, based upon the fact
4 that I was being prevented from cross-examining the witness the
10:00 5 way I wanted to do so, which I could have --

6 THE COURT: You should have done it in the deposition.

7 MR. KELLY: Your Honor, things are learned as the
8 discovery goes on; and some of the things that I knew about her
9 dishonesty were learned after her deposition. And she was
10:01 10 brought here; and I was not permitted to impeach her, your
11 Honor. And that was the reason for the bench conference. And
12 I informed the Court -- I think the term that I used was, "It's
13 hard to try a case when my wings are clipped."

14 THE COURT: Well, your questions got farther and
10:01 15 farther off the subject. And we have, in the form jury
16 instructions' at the closing of the case, the statement that
17 the mistakes about immaterial facts should not be treated as
18 worthy of impeaching a witness.

19 Whether she ate a kiwi or an apple, whether she
10:01 20 was strapped or unstrapped in the aircraft, none of that went
21 to impeach her for the one reason, the single reason we had her
22 connected inter-continentially to ask her about this case. That
23 was simply did she ever say anything like that.

24 She said no.

10:02 25 It was asked about by several of us, including

10:02 1 me.

2 MR. KELLY: In which case, your Honor, if that's -- if
3 that's the case, then we are certainly entitled to bring a
4 rebuttal witness. And it doesn't matter how long we've known
10:02 5 or whether we ever put on --

6 THE COURT: I couldn't let the evidence in anyway.
7 It's hearsay.

8 MR. KELLY: Your Honor, it's not hearsay. We -- it is
9 not being offered to prove the matters -- the matter asserted.
10:02 10 We're not trying to prove that a woman was raped, killed, and
11 buried in Iraq. That's not our intent.

12 Our intent is to prove that Ms. Jones believed it
13 and that she communicated it back on July the 28th of 2005.
14 That's what we're offering it to prove, not that rape, murder,
10:02 15 and burial occurred.

16 THE COURT: It would have been much more effective if
17 you had just asked her mother about that. Why didn't you do
18 that?

19 MR. KELLY: Well, your Honor, again, I didn't have her
10:02 20 mother on the stand. But is -- with all due respect, your
21 Honor, that's the Court telling me how I should try my case.

22 THE COURT: No.

23 MR. KELLY: The hearsay -- or the comment here is not
24 hearsay. The rules make that very clear. And I'm frustrated
10:03 25 again, I know, your Honor; and I apologize for that. But I'm

1 frustrated because there's no doubt in my mind this is not
2 hearsay, your Honor. It's not being offered for the truth of
3 the matter asserted.

4 THE COURT: If somebody were to come in and testify
5 she didn't eat kiwi, she ate an apricot, that would be
6 something that went not to the truth of the matter asserted but
7 whether it was said. The quote you're wanting to get in from
8 Ms. Chapman is of no relevance to the case whatsoever unless
9 there's some truth to it. If there's not truth to it, then it
10 just -- it's not a statement we need to hear about.

11 MR. KELLY: That's not true, your Honor.

12 MR. MCKINNEY: Judge, excuse me. Excuse me. Pardon
13 me.

14 Ms. Chapman's statement, most charitably viewed,
15 is an out-of-court statement offered to prove a spontaneous
16 memory -- a memory that was spontaneously refreshed. And it's
17 being offered for the truth -- the truth that the statement
18 was, in fact, made to refresh the witness' recollection of a
19 statement the witness now claims to have heard. That is all
20 out-of-court hearsay.

21 And moreover, the indicia -- or the opposite of
22 the indicia of reliability, at a lawyer's office, in a lawyer's
23 presence, during trial, six years after the fact. Nothing
24 about the Chapman, Jones, Kelly dialogue that day lends itself
25 to any exception to the hearsay rule. The Court's ruling is

1 correct.

2 We need to move on because we have -- I have an
3 expert witness motion I need to make before the jury comes back
4 in.

5 THE COURT: And the -- it would be more tempting to me
6 to introduce another witness whom they've not had a chance to
7 depose and they perhaps haven't spoken with at all if you had
8 used what was available to you to confirm the statement as
9 having been said. You had Ms. Jones -- you had Ms. Morgan on
10 the stand. Nobody asked about it then. And it doesn't matter
11 which lawyer -- your side did not choose to ask about it.

12 Her husband was on the side that collaborated on
13 the book. You didn't ask him about it. And now you want to
14 bring somebody way outside the bounds of this case and ask her
15 about it. I just -- when you don't use the tools that are
16 available, your argument that we need another tool is really
17 substantially attenuated.

18 MR. KELLY: Your Honor, I know I've lost this argument
19 with you. But with all due respect, I disagree with the
20 Court's ruling.

21 THE COURT: All right.

22 MR. McKINNEY: Judge, on another matter, if I could
23 have a moment.

24 THE COURT: I want to say -- have a word with Steph.

25 You, too.

10:07 1 (Judge leaves courtroom briefly)

2 THE COURT: Okay. Where is everybody?

3 MR. ESTEFAN: We're hiding, Judge.

4 THE COURT: Yeah. I'm reminded that the -- at that

10:07 5 bench conference, I did see a hand waved to keep voices down.
6 And it was a perception of at least one person that the voice
7 that was being heard was Mr. Kelly's. Now, that may or may not
8 be right. But, really, we've seen continuing signaling from
9 your table.

10:07 10 I mean, Ms. Jones was laughing when her husband
11 testified about her calling him a dick. I mean, she's
12 repeatedly done that. I just -- I've had to caution you on the
13 record a couple of times about that. I do so again now.

14 But anyway, the closing instructions we give also
10:08 15 say that anything a judge says is not -- should not be of any
16 influence on the jury. And, so, they'll have to go first and
17 decide what's a recent fabrication and who uttered it and then
18 all the way to the proposition that because the Judge might
19 have said it and it might have been about the recovered memory,
10:08 20 then perhaps we ought to be influenced by what the Judge said.

21 That's just so many logic leaps that I -- if you
22 want me to give a corrective instruction about bench
23 conferences are not to be viewed as evidence, I'm happy to do
24 that. But I think that draws more attention to whatever went
10:08 25 on there. But, unquestionably, what's been said at bench

1 conferences has been heard by the jury a time or two,
2 unquestionably. More than a time or two.

3 Okay. Let's get the voir dire back in here.

4 MR. MCKINNEY: Judge, I'm not sure that it's necessary
5 for me to voir dire the witness. I think I can just report to
6 the Court what the situation is.

7 The statistician economist who is calculating
8 future wage loss proceeds on four assumptions. The first
9 assumption --

10 THE COURT: Are we talking about the guy who just got
11 on the stand?

12 MR. MCKINNEY: No, Judge. He's -- he will be the next
13 witness. He will appear in about ten minutes. And I thought
14 it would be best to deal with it now while the jury is out
15 rather than when the jury comes back in.

16 THE WITNESS: Okay.

17 MR. MCKINNEY: He has four scenarios. Each scenario
18 depends on a separate assumption. And my objection to the --
19 to three out of the four scenarios is that there's no evidence
20 whatsoever in the record upon which to predicate the scenarios.

21 Here's the situation. Ms. Jones, of course, was
22 an IT technician, an IT person working for KBR; whatever
23 happens, happens; she comes back; she's now a college
24 professor.

25 The statistician, the economist, projects wage

10:09 1 loss based on her being an IT technician or an IT person with
2 only a high school degree or diploma. And that's his first
3 scenario, and that's valid. I don't complain about that one.

4 He then has three additional scenarios, one based
10:10 5 upon her getting an Associate's degree in computer technology,
6 one getting a Bachelor's degree, and one getting a Master's
7 degree. There's been no evidence in the record that Ms. Jones
8 ever intended to pursue higher education in the field of
9 computer science or computer technology and that, but for this
10:10 10 event, she has decided not to pursue that career avenue.

11 With each added degree level, the numbers become
12 quite larger. And I'm simply saying --

13 THE COURT: Did we hear about this in the motion in
14 limine stage?

10:10 15 MR. MCKINNEY: No, Judge, we didn't. Probably should
16 have, but I think it will shorten the cross-examination and
17 shorten the direct --

18 THE COURT: Okay. Let me hear their response.

19 MR. ESTEFAN: The response is, your Honor, that, in
10:10 20 fact, Ms. Jones is -- does have her Master's degree. And it's
21 not whether she wanted to get an advanced degree in information
22 technology or whatever. It is that she, in fact, does have an
23 advanced degree. And we all know that people with advanced
24 degrees earn more income or have potential to earn more income
10:11 25 over their career.

10:11 1 Beyond that, there was testimony, I believe, from
2 Ms. Jones and her résumé showed that she did, in fact, have
3 college hours prior to even beginning work at Halliburton.
4 Someone from their side elicited that testimony. So, she had
10:11 5 made some -- some indication that she was going to college.

6 THE COURT: Well, is this -- this person who's
7 qualified as an economist, does she teach or --

8 MR. MCKINNEY: It's a he.

9 MR. ESTEFAN: It's a he, and he does.

10:11 10 MR. MCKINNEY: I'm not questioning the qualifications.
11 I'm simply questioning the opinion.

12 THE COURT: Well, but a qualified economist would not
13 have done that, I wouldn't have thought.

14 MR. ESTEFAN: He has four scenarios, Judge.

10:11 15 THE COURT: I know. And on that subject -- and I
16 haven't read the report. This last expert, was he really
17 comparing Ms. Jones to people with, like, PhDs who are tenured
18 at Rice and UT?

19 MR. ESTEFAN: Well, and we have an opinion -- I wasn't
10:12 20 finished. You actually excused the jury without asking me
21 about redirect, your Honor.

22 THE COURT: No. We're coming back to redirect.

23 MR. ESTEFAN: Okay.

24 THE COURT: We're coming back to it. I didn't say you
10:12 25 waived it. We're coming back for it.

1 MR. ESTEFAN: Okay. He's comparing the average,
2 Judge. And that's the point.

3 THE COURT: Well, that is such bogus economics, such
4 bogus rehab. I mean, really. Anybody who's been to a college
5 knows the difference between somebody who's at the extension
6 school or the satellite campus or community college and is
7 teaching part time. That's no comparison at all. That's like
8 comparing somebody -- high school baseball players' to the
9 major league salaries. I mean, it's just -- it's not remotely
10 close.

11 MR. McKINNEY: In which case, I move to strike.

12 THE COURT: Well, I'm going to let it go to the jury.

13 Was I wrong about that, though? That's just --
14 that's a preposterous measure of damages.

15 MR. ESTEFAN: Your Honor, I don't think that it's
16 preposterous. Because in order for Ms. Jones or anybody to
17 have a chance to get to the 82,000 plus -- which is, by the
18 way, the average -- they got to start somewhere. And, you
19 know, Mr. McKinney made a reference that he's a 31-year lawyer.
20 And I'd wager to say he makes more now than he did as a
21 first-year associate. And that's just part of the progression
22 of a career. And, so, in comparing one's average, you
23 necessarily have to look at --

24 THE COURT: Well, it should have been -- okay. Well,
25 that's already happened. I'm not going to strike it. I'm

10:13 1 going to let this economist testify, and we'll see what -- if
2 anything needs to be stricken, it will be. But I'm going to
3 let it all come in.

4 Okay. Let's get Mr. King back on the stand.

10:13 5 MR. ESTEFAN: Your Honor, in thinking about it, I
6 don't have another question for Mr. King. If the Court is
7 going to be -- if the Court is just going to let it be where it
8 is, then we're going to call Mr. Steward as our next witness.
9 We're going to call our next witness.

10:14 10 THE COURT: We're going to excuse you. Thank you,
11 Mr. King.

12 THE WITNESS: Okay. Thank you.

13 *(Witness being summoned to the stand)*

14 THE COURT: Sir, make your way up here. I'll
10:14 15 administer the oath before you take your seat.

16 In the matter now before the Court, do you swear
17 your testimony will be the truth, the whole truth, and nothing
18 but the truth?

19 THE WITNESS: I do.

10:14 20 THE COURT: Yes, sir. Please be seated.

21 Everybody else may be seated, too.

22 *(Jury present)*

23 THE COURT: Members of the jury, please be seated.

24 You have another witness. Mr. King has been
10:15 25 excused. This witness has already been sworn.

1 MR. ESTEFAN: Your Honor, so I may introduce him, may
2 I proceed?

3 THE COURT: You may.

4 DWIGHT STEWARD, DULY SWORN, TESTIFIED:

5 DIRECT EXAMINATION

6 BY MR. ESTEFAN:

7 Q. Good morning.

8 A. Good morning.

9 Q. Would you state your name, please?

10 A. Dwight Steward.

11 Q. And you're Dr. Steward. Is that correct?

12 A. Yes, that's correct.

13 Q. Okay. And you might need to pull that microphone a little
14 closer to you, sir.

15 Can you give us your educational background,
16 please, starting with college?

17 A. Sure. I have an undergraduate degree in economics from the
18 University of Texas at Austin. I'm also -- with a minor in
19 military science, as well.

20 After that, I took my undergraduate degree in
21 economics from UT. I got a PhD in economics from the
22 University of Iowa.

23 Q. Dr. Steward, can you tell us about your working experience,
24 please?

25 A. Let's see. In between undergraduate and graduate school, I

10:16 1 spent a little time on active duty as a field artillery
2 officer, just -- all state side. And then, after graduate
3 school, I went to work at a consulting firm in College Station
4 for a couple of years and -- doing basically economics work.

10:16 5 Then after that -- let's see -- about six years
6 or so I spent at the University of Texas and also Sam Houston
7 State, teaching in the economics departments. And for about
8 the last six, seven, eight years or so, I've been primarily
9 doing economic consulting.

10:16 10 Q. Would you agree to state any opinions you give today in
11 terms of reasonable probability?

12 A. Yes, sir.

13 Q. Thank you.

14 What is your role in this case, Dr. Steward?

10:16 15 A. Well, in this case I was just simply asked to look at the
16 damages that Ms. Jones incurred.

17 Q. And to do that, you're looking at her work-related damages,
18 employment related?

19 A. Yes, that's correct.

10:17 20 Q. Okay. What methods do you use to come to your conclusions?

21 A. Well, generally there are some methodologies that we all
22 use and -- in economics in these types of cases. But generally
23 what it involves is -- is really just comparing what you would
24 expected her to earn had the incident not occurred to what you
10:17 25 now expect her to earn.

1 Q. Is that what you call a "but-for analysis"?

2 A. Yes, that's correct.

3 Q. But for the incident, there would have been a certain
4 stream of income; and now there's a different stream of income.

5 Is that a fair summary?

6 A. Yes, that's fair.

7 Q. What do you base your opinions on, Doctor?

8 A. Well, in a case like this, the first part is I look at the
9 economics; but I also look at the documents in terms of whether
10 financial -- the statements were in terms of what she was
11 actually earning prior to the incident. I also look at what --
12 what her capacity is now. In this particular case, I relied on
13 Mr. King.

14 Q. Are your conclusions broken down in segments from July 28
15 to April 15th and then from -- of 2011 -- July 28, 2005, and
16 then to April 15th, 2011, and then from April 15th, 2011,
17 forward into the future?

18 A. Yes, that's correct.

19 Q. And why is there that breaking point at April 15th, 2011?

20 A. Well, basically the damages are evaluated in two buckets,
21 so to speak, or two time periods. The first time period is the
22 past, and that would be from the date of the report -- the date
23 of the incident to the date of the report. And then the second
24 part of the analysis involves looking at what would be
25 projected into the future, particularly over her work life

1 taken.

2 THE COURT: Those have been numbers you've generated
3 by looking at a body of statistics that's available to you?

4 MR. ESTEFAN: I was just about to ask that, your
5 Honor.

6 THE COURT: Is that right?

7 THE WITNESS: Yes, your Honor.

8 THE COURT: Did you do any individual testing or
9 appraisal of this particular person's capacity for advancement,
10 such as looking at undergraduate transcripts or high school
11 transcripts or graduate board scores or talking to any of her
12 former teachers?

13 THE WITNESS: No, your Honor.

14 BY MR. ESTEFAN:

15 Q. So, Dr. Steward, you based your opinions on Dr. --
16 Mr. King's report, the person that testified just before you,
17 on his assessment, right?

18 A. Yes, that's correct.

19 Q. And you also used the -- I believe, the Current Population
20 Survey labor market data from the US Bureau of Labor
21 Statistics?

22 A. That's correct.

23 Q. You also use the US Bureau of Labor Statistics' Employer
24 Costs for Employee Compensation data --

25 A. Yes.

1 Q. -- as part of your -- formulation of your opinions?

2 A. Yes.

3 Q. All right. And I believe that you've come up with separate
4 scenarios based on level of education. Is that accurate?

5 A. Yes, that's accurate.

6 MR. ESTEFAN: Let me provide this to counsel. Excuse
7 me one second.

8 Your Honor, this is a little difficult with the
9 Elmo for me to question him from here.

10 THE COURT: You can stand over there.

11 MR. ESTEFAN: May I ask him to come to the Elmo?

12 THE COURT: That's fine.

13 BY MR. ESTEFAN:

14 Q. Dr. Steward, would you please come to the Elmo?

15 MR. ESTEFAN: And if I could have the Elmo, please?

16 BY MR. ESTEFAN:

17 Q. I've taken the middle -- the section -- the four tables
18 that you have here. And there they are, starting with the
19 first one. And if you can go to the Elmo, and feel free to
20 show our jury what tables you've constructed there.

21 And here's the zoom right here, sir, if you need
22 to zoom it. And if you need to use my pen or any other pen or
23 highlighter -- here's a highlighter here, so you can use that.

24 You may need to zoom that a little bit. It's a
25 little hard to read.

1 Okay. So, what are we looking at, Doctor, right
2 here?

3 You may need to speak into this -- let me get you
4 a different mic.

5 A. Okay. What this is, this is Table 2. And, so, it's the
6 scenario that's looking at had Ms. Jones, basically, when she
7 got back from Iraq, had she just gone straight to work in the
8 IT industry. And, so, what it shows is it shows the earnings
9 that she would have been projected to have had the incident not
10 occurred, and then it compares that to what she's now projected
11 to earn.

12 And, so, the first -- the first two columns -- or
13 the first column just shows the time period that the analysis
14 is -- it's broken down by year. And, of course, it shows her
15 age at each of those years.

16 But the relevant areas are here in terms of
17 earnings. Column 3 shows what her earnings would have been had
18 the incident not occurred. And it goes in the past, I mean,
19 from the date of the accident -- incident to the date of the
20 report, which is April 15th. And then, from there, it goes
21 forward over her projected work life.

22 And there's a second table, second part of the
23 table, that shows -- that goes through age 57. And that's
24 basically her expected work life. And it's not that she's
25 expected to retire at 57. It's just -- it adds all the

1 fractions of the years up that she would have been in the
2 workforce.

3 Q. Did you arrive at a total, Doctor -- this is -- you're
4 talking about the past right now?

5 A. Yes.

6 Q. Okay. Is there a future component to your damage --

7 A. Yes.

8 Q. -- calculation?

9 A. Sure. And the future component would be shown starting at

10 March -- April 15th, 2011, and going forward. And then -- so,
11 the post-incident earnings capacity would be Column 7; and that
12 shows what she's expected to earn now. And that's based off
13 Mr. King's analysis, which puts it at about \$25,200 per year.

14 And then the future bottom line number in this
15 particular scenario is \$779,363.

16 Q. And that is if Ms. Jones had stayed with only a high school
17 education?

18 A. That's correct.

19 Q. All right. So, now you have a second table here, I
20 believe. And what's the difference between the first table and
21 the second table, apart from the numbers, Doctor?

22 A. The second table works in the same way, compares what she
23 would have earned had the incident not occurred to what she did
24 earn. The only difference here, now the assumption is that she
25 gets an Associate's degree.

1 And, so, now, under that scenario, the back
2 damages would be estimated to be \$263,919 and the future would
3 be 843 -- \$843,104.

4 Q. That's with an Associate's degree?

5 A. That's correct.

6 Q. All right. Thank you, Doctor.

7 And the next one is with -- what do we have here?
8 A Bachelor's degree?

9 A. Yes, Scenario 3 is the Bachelor's degree. And that works
10 the same way. In the past the damages would be \$210,096, and
11 the damages are a little different in the past because it would
12 have taken her a little bit longer to get the degree. And the
13 future damages would be higher; and that would be \$1,434,726.

14 Q. And the last table is with a Master's degree, and that is
15 what Ms. Jones currently holds. Is that accurate, Doctor?

16 A. That's correct. And, so, the last scenario is with a
17 Master's; and there the back damages would be \$106,326. And,
18 of course, they're less because she would have taken more time
19 to get the degree; but the future damages are higher because
20 she would earn more. It would be \$1,716,726.

21 Q. Okay. And I believe, Doctor, the very last thing I want
22 you to show us is this, I believe, it's a fair summary of the
23 four scenarios you've got there. And if you could slide it to
24 the right a little bit so we can see the totals. There you go.

25 Is that a fair summary of the four totals you put

1 up there?

2 A. Yes, it is. It breaks it down by past and future, but it's
3 a summary of each of the scenarios.

4 Q. All right. And which one of those do you believe applies
5 to Ms. Jones with her education level?

6 A. Well, currently she has a Master's. So, Scenario 4 would
7 be the one that's appropriate, based off her actual education
8 level.

9 THE COURT: Do these numbers reflect any distinction
10 between a Master's from one university versus a Master's from
11 another?

12 THE WITNESS: No, your Honor, it doesn't.

13 THE COURT: Don't you think that's a huge variable?

14 THE WITNESS: It's a factor. And it could matter. It
15 could matter.

16 THE COURT: It could matter profoundly, couldn't it?

17 THE WITNESS: It really depends on the type of the
18 degree. But in something like -- I think in informational
19 technology, where there tends to be a lot of jobs, I don't know
20 if it would be as large as in something -- like a
21 Master's and -- like, an MBA, for example, it's pretty big in
22 an MBA.

23 BY MR. ESTEFAN:

24 Q. Okay. Doctor, thank you. If you could take your seat
25 back, please.

1 A. (Witness complies.)

2 Q. Are these numbers that you have come up with, do they
3 account for future inflation?

4 A. Yes, they do.

5 Q. And, so, did you apply a number to these salaries to get to
6 the numbers in your table?

7 A. Yes. There was a salary growth part as well as an
8 inflation factor that was included.

9 Q. Yes. And then after you did that, did you then reduce the
10 numbers to present value number?

11 A. Yes, I did.

12 Q. How did you do that?

13 A. Well, the present value factor is just simply to account
14 for the fact that those damages would occur in the future. So,
15 basically the idea is to figure out how much you would have to
16 put in the bank account today to be able to meet those
17 withdrawals, basically, or the amount that she would be paid
18 over time.

19 And, so, there I just used the T-bill rate to
20 figure out what that discount factor would be.

21 Q. And how are these numbers -- these -- the figures that
22 you've come up with, I know they're based on calculations; but
23 where do these numbers come from?

24 A. The numbers themselves, they come from the US Bureau of
25 Labor Statistics, in terms of the growth factors. The

10:27 1 inflation numbers come from the Census and the Bureau of Labor
2 Statistics. And the interest rate numbers come from the
3 Federal Reserve.

4 Q. Are these numbers the average for the industry?

10:27 5 A. Yes.

6 MR. ESTEFAN: Pass the witness.

7 **CROSS-EXAMINATION**

8 BY MR. McKINNEY:

9 Q. I have a calculator.

10:28 10 Good morning.

11 A. Good morning.

12 Q. I'm Andrew McKinney. I represent Charles Bortz. I don't
13 believe you and I have ever met before. Is that correct?

14 A. Yes, that's correct.

10:28 15 Q. All right. Let me -- there's a few things I need to look
16 at here to ask you some questions. Let me ask, first, when
17 were you first contacted to become involved in this case.

18 A. I think it would have been early 2011, maybe February,
19 maybe January of 2011.

10:28 20 Q. All right. And when did you receive a copy of Mr. King's
21 report that you base your opinions on?

22 A. I don't recall the exact date; but it was prior to drafting
23 my report, my April 15th report, 2011.

24 Q. All right.

10:29 25 MR. McKINNEY: May I approach the witness?

10:29

1 THE COURT: You may.

2 BY MR. McKINNEY:

3 Q. Do you recognize that document?

4 A. Yes.

10:29

5 Q. And what is that document?

6 A. This document is Mr. King's initial rehabilitation
7 assessment.8 Q. All right. And what else did you review in preparing your
9 opinion -- your opinions that you've expressed here in this
10 courtroom?

10:29

11 A. I reviewed Ms. Jones' financial records, her tax returns.
12 I reviewed her -- some personnel record documents from KBR, the
13 contract. There was some medical records that were included in
14 the file.

10:29

15 Q. Any depositions?

16 A. I don't recall any depositions.

17 Q. All right. And I believe you projected four different
18 scenarios that we'll -- and we'll talk about how you went about
19 doing your calculations in a minute. But you projected four
20 different scenarios for Ms. Jones, all of which are in the IT
21 field. Is that correct?

10:30

22 A. Yes, sir.

23 Q. Now, if you look at Mr. King's report, specifically at the
24 fifth and sixth pages, isn't it true that Mr. King does not
25 project any wage loss in the IT field but, rather, he projects

10:30

1 his wage loss based on Ms. Jones' current career as a college
2 instructor?

3 A. I don't know about his wage loss calculation. I focused on
4 his earnings capacity analysis. I didn't do anything with his
5 wage loss calculations. I don't know.

6 Q. All right. You've assumed, to get back to the four
7 scenarios, that Ms. Jones would return to the IT field, first,
8 with a high school diploma, correct?

9 A. Yes, sir.

10 Q. Second, with an Associate's degree, correct?

11 A. Yes.

12 Q. Then with a Bachelor's degree, correct?

13 A. Yes.

14 Q. And then with a Master's degree correct?

15 A. Yes, sir.

16 Q. Now, do you identify in your report the particular major or
17 concentration or specialty that Ms. Jones would be acquiring
18 her hypothetical Associate, Bachelor's and/or Master's degree
19 in?

20 A. No. I don't identify the Master's degree. I identify the
21 occupation that she would be working in. So, it would be a
22 person with a Master's degree who's working in IT, which the
23 majority of those are going to be Master's -- people with
24 Master's degrees, but some would have other degrees.

25 Q. Yes. But -- well, I think you know and I know but our jury

1 may not know, for you to get your basic wage data for, let's
2 say, a person with a Master's degree in the IT field, you go to
3 some Bureau of Labor Statistics composite number and take that
4 number as your baseline number, correct?

5 A. That's close. What I actually do is I have the underlying
6 data that actually has the surveys that the people filled out.
7 So, I have data on about 50,000 people in each year. And, so,
8 based off that data, I actually calculate what the average
9 salary would be for a person in the IT field with a Master's
10 degree. So, it's close; but I actually use the raw data that
11 the BLS actually compiles.

12 Q. Does your raw data include the major or the type of degree
13 that the person with the Master's has; that is, computer
14 science versus physical education, computer technology versus
15 anthropology? Does your database draw any qualitative
16 distinction between the type of degree and someone's earning
17 capacity in the information technology field?

18 A. The -- no. The BLS data that -- the CPS BLS data does not.
19 It just records the highest level of education that the person
20 possesses. So, it's a Master's degree and then you know what
21 field they're working in. So, it would be IT.

22 Q. All right. So, you don't know from your data whether
23 someone with a Master's degree in physical education would make
24 the same -- would earn the same amount of money in the
25 information technology field as someone with a degree in

1 computer science?

2 A. From the CPS data by the Bureau of Labor Statistics, which
3 is the Current Population Survey, the answer would be, no, it
4 does not record the major of the -- of the individual. So, you
5 wouldn't be able to determine any salary differences with that
6 data.

7 Q. But intuitively, as a matter of common sense, wouldn't you
8 infer that someone with a Master's degree in computer science
9 would make more money in the information technology field than
10 someone with, say, a Master's degree in history or a
11 professional degree in law? Wouldn't you expect the computer
12 science person to have an advantage?

13 A. Well, that's when it's going to depend on the occupation.
14 So, if it's a computer programming job, then I would expect the
15 person with the Master's in computer programming to earn more
16 than a person in, say -- who doesn't have a Master's in
17 computer programming. But if they're in the IT field and
18 they're more -- say, like, more managerial, then that's not
19 going to be as important.

20 So, the answer is really it's going to depend on
21 the type of job in which you are actually looking at in terms
22 of how much of a premium you would expect.

23 Q. Well, that brings me to my next question. I thank you for
24 that.

25 Is your statistical cohort -- or does your

10:35 1 statistical cohort of 50,000 people in the information
2 technology field, does this include the broad array of
3 employees one might expect to find at, say, Compaq Computers,
4 where you have inside sales, outside sales, human resources,
10:35 5 admin, senior execs, programmers, technicians, et cetera,
6 et cetera? Is that -- is that the statistical cohort we're
7 talking about?

8 A. Well, you definitely could break it down that way. But,
9 obviously, at some point you -- you have people that are going
10:36 10 to be classified as information technology type professionals
11 who are in occupations and then other people who maybe work for
12 Compaq, they would be classified as in an administrative role
13 if they were, as you described, more of an administrative
14 person.

10:36 15 So, it really would depend on the occupation that
16 you are talking about. But most of that is going to be in --
17 the IT is going to be computer related jobs, either management
18 or otherwise.

19 Q. Help me, if you can, please, then. Explain to me what the
10:36 20 database is or who comprises the database, what is the job
21 skill set that we're talking about in the database that you're
22 referring to. Before we get into your methodology, what's the
23 job base skill that makes up your database?

24 A. The survey --

10:36 25 Q. Is it programmers and -- and the technical people, or is it

10:36 1 everybody?

2 A. The actual underlying data is everyone. So -- but within
3 there, you can -- you can look at different cross sets of it.
4 But the actual data comprises -- it's a survey that comprises
10:37 5 all types of people in the IT field.

6 Q. Did you harvest from your database a representative
7 statistical group that matches Ms. Jones' skill set and current
8 level of education?

9 A. Okay. The answer is no. I just need to be clear, though.

10:37 10 But my analysis was done under the -- is for the
11 non-incident. So, the idea is that, had the incident not
12 occurred, what types of jobs would there have been for her in
13 the IT field. So, I couldn't make that comparison with where
14 she is now. The idea is, had it not occurred, what would it
10:37 15 look like. So, I didn't make that comparison.

16 Q. Well, when we're projecting someone's future earning
17 capacity -- in this case Jamie Leigh Jones -- we have to
18 compare -- do we not have to compare people with her -- not --
19 if not precise undergraduate and graduate degree, at least
10:38 20 people with graduate and undergraduate degrees in similar
21 related areas and track that statistical cohort over time and
22 learn what that statistical cohort is earning in order to have
23 a valid baseline number as our starting point?

24 A. In certain situations, that's how it would be done. But
10:38 25 this is -- this is a different situation in the sense that now

1 the idea is to figure out what she would have -- what her
2 future would have looked like had the incident not occurred.

3 So, that's -- that's not related to what she is
4 doing now. She's now an instructor, which is -- that's not in
5 the IT industry.

6 So, the idea is, prior to the incident, what are
7 the -- the outcomes that she could have. And that's what I've
8 laid out in the four different scenarios.

9 Q. Perhaps I'm not being very clear, and I apologize for that.

10 You are predicating Ms. Jones' future earning
11 capacity based on the type of undergraduate and graduate degree
12 she currently holds, correct? Or are you assuming that
13 Ms. Jones, instead of obtaining the undergraduate and graduate
14 degrees that she has, would have instead obtained graduate and
15 undergraduate degrees in some information technology related
16 field?

17 A. It's closer to the last. The idea is that, had the
18 incident not occurred, then she would have stayed in the IT
19 field, where she was employed before. She would have stayed in
20 the IT field and done one of four different things. One, she
21 would have stayed like she was at the time of the incident,
22 she -- just stayed with -- got an Associate's in IT, she was in
23 IT; or down the road she could have decided to go and get an
24 additional education in IT because she was in IT, and that
25 would lead her either to an Associate's, Bachelor's, or

1 Master's.

2 And then what I've done is I've looked at the
3 different scenarios to show what the outcomes would be in terms
4 of the economics.

5 Q. I understand what you've done. I'm just trying to find out
6 where -- what the starting point is.

7 And so that you and I are on the same page, your
8 starting point is that Ms. Jones would have done something
9 different than what she's actually done. The starting point is
10 that Ms. Jones would have elected a course of education through
11 a Master's degree in a field related to information technology.
12 That's your starting point, correct?

13 A. Close. But let me be completely clear. My starting point
14 is that she would have stayed in IT and gone one of four
15 routes. She either would have gone as far as a Master's or got
16 a Bachelor's or Associate's --

17 Q. I have that part.

18 A. -- or high school.

19 Q. I have that part. The part that I'm trying to nail down
20 with you here is that your assumption is that -- I'm not trying
21 to be sarcastic here. But if someone wanted to stay in the
22 information technology field and advance in the information
23 technology field and wanted to do so by pursuing college and
24 postgraduate studies, that person would have to decide what to
25 major in, correct?

10:41 1 A. Yes, that's --

2 Q. That's obvious?

3 A. Yes, sir.

4 Q. For instance, you majored in economics and got a PhD in
10:41 5 economics and that's what qualifies you to be here today,
6 correct?

7 A. Yes, sir.

8 Q. You could have elected to major in history. Could have.
9 You didn't, but you could have, right?

10:41 10 A. Yes.

11 Q. But if you had majored in history, you wouldn't be
12 qualified to come in here and express economic opinions, would
13 you?

14 A. Most likely not.

10:41 15 Q. All right. So, getting back to Ms. Jones, if Ms. Jones --
16 to fulfill your assumptions, if Ms. Jones was going to
17 pursue -- or sorry -- if Ms. Jones was going to remain in the
18 IT field and pursue undergraduate and graduate degrees, she
19 would have to make a decision whether to pursue something that
10:42 20 is actually related to information technology or whether to get
21 a history degree or an art degree or a music degree or an
22 accounting degree, correct?

23 A. Yes, sir.

24 Q. And what you're telling us is that your assumption is that
10:42 25 Ms. Jones, in making her decision about what to study, having

1 already decided to stay in the IT field, that you assume that
2 Ms. Jones would study something relevant to her career
3 advancement as opposed to something completely irrelevant to
4 her career advancement, correct?

5 A. I would say that's close. But the reality is, with the
6 data, as I said before, it just captures if they have a
7 Master's. And, so, what --

8 Q. I'm going to get to that. Right now I'm trying to find out
9 whether you assume that Ms. Jones would have gotten

10 undergraduate degrees in a relevant subject, relevant to
11 information technology; or are you simply assuming that she
12 would have gotten some kind of Master's degree, some kind of
13 Bachelor's degree, whether it has to do with anything with
14 information technology or not?

15 A. That's what I am saying. It's close. The idea is that she
16 would have gotten a degree -- let's say, for example, a
17 Master's degree or Bachelor's degree. If it's related or not,
18 that's going to depend on the employer. Some employers are
19 going to value that specific skill that you learned in school.
20 Others will value the fact that you have that increased ability
21 to learn, and that's going to add the additional value.

22 So, at the point that we're looking at now where
23 the incident has occurred, you know, the only thing I can do is
24 to figure out what those scenarios would look like if she gets
25 those different levels of education. But I don't have any

1 assumptions about what she would have majored in had the
2 incident not occurred.

3 Q. Well, that actually wasn't my question. But let me
4 approach it this way.

5 Do you have any useful statistical data that you
6 can provide for us today that shows the difference in earning
7 capacity between -- total universe is people in the actual IT
8 technical field -- you follow me there, do you not?

9 A. Yes, sir.

10 Q. All right. Now, within that universe, do you have a subset
11 of people who have -- actually have a relevant Master's degree,
12 relevant to IT and their earning capacity, compared to people
13 who have Master's degrees in art history or the liberal arts or
14 accounting, so that we can see whether people who have
15 irrelevant degrees do as well or not as well as people who have
16 the relevant degree? Do you have any of that statistical
17 evidence here for us today?

18 A. Well, first, the -- I don't have any of those numbers with
19 me. But first of all, I would have a hard time because the
20 relevant part -- or the irrelevant part, is as I've described.
21 Because the different majors are going to depend on the
22 employer. For example, as you just described with art history,
23 some of that stuff is relevant, depending upon the employer.

24 In terms of technical writing, they hire a lot of
25 English majors to be tech writers. And, so, you know, on the

10:45 1 surface you would say that's irrelevant; but it's not. It's
2 relevant because computer science majors can't write as well as
3 English majors. So, they hire them to do tech -- tech type
4 work.

10:46 5 So, I guess my major point is that I couldn't
6 distinguish between irrelevant and relevant because it depends
7 on the employer. But as I sit here, I don't have my data with
8 me.

9 MR. McKINNEY: All right. Can we put up the first
10 earning scenario, please, on the screen?

11 And under the "Future" category, please, if you
12 would highlight the second line, beginning with "1/1/2012."

13 And, then, cut that out and blow it up.

14 If you could drop that down, because then I want
10:47 15 you to highlight these topics right up here and these column
16 numbers and blow that up. Put that above. Nice work.

17 I think we're just about there. Good job.

18 And if you could highlight the different column
19 names for me, please.

10:47 20 BY MR. McKINNEY:

21 Q. By the way, while the technician is doing that, economics
22 is often called the dismal science, is it not?

23 A. Yes, sir, I've heard it called that before.

24 Q. For those who are not economists, it can be pretty tedious,
10:48 25 can it not?

1 A. I don't agree with that, but I suppose it could be.

2 Q. And number crunching, which we're getting ready to do, is
3 fairly tedious, is it not?

4 A. Again, I don't necessarily agree; but it can be for some.

5 Q. Yes.

6 THE COURT: Let me ask this. What was your PhD
7 dissertation on?

8 THE WITNESS: Actually, I did my work on bank mergers
9 and effective managerial efficiency on bank --

10 THE COURT: Have you taught much?

11 THE WITNESS: Yes, your Honor. I've taught --
12 actually, I'm teaching now. I'm back teaching at the
13 University of Texas and teaching the summer, as well.

14 THE COURT: What are your -- what are the courses you
15 offer?

16 THE WITNESS: My courses, I primarily teach
17 statistics. I'm developing a labor course. Let's see. Micro,
18 which is, you know, theory of labor, the markets. I've also
19 taught some business courses, as well.

20 THE COURT: Thank you.

21 BY MR. McKINNEY:

22 Q. Now, in order to project future earnings, you have to make
23 certain assumptions, do you not?

24 A. Yes, you do.

25 Q. All right. And what you do, sort of conceptually, is you

10:49 1 calculate as your first baseline number a person's total
2 compensation, including benefits, less taxes, correct?

3 A. The only part is you don't take the taxes from the
4 benefits. It's earnings less taxes and then benefits.

10:49 5 Q. Earnings less taxes plus benefits is -- that's your -- and
6 then that's your first number, correct?

7 A. Yes, sir.

8 Q. Then you subtract from your first number what the person is
9 actually earning, less taxes and benefits -- or less taxes plus
10:50 10 benefits, correct?

11 A. That's correct.

12 Q. And the difference between your assumed number and the
13 actual number is the number that you say is the person's net
14 loss, correct?

10:50 15 A. Correct. For that year, that's correct.

16 Q. And then you apply a growth rate and a discount rate; and,
17 depending on which numbers you choose to apply, that person's
18 loss becomes bigger or smaller, correct?

19 A. They're factors that we all apply. The growth factor's
10:50 20 just inflation. So -- and, then, discount is just whatever the
21 interest rates are. So, whatever the interest rates are,
22 that's going to impact the present value.

23 Q. All right. Let's look then at this highlighted line we
24 have here. This is for the year 2012, is it not?

10:50 25 A. Yes, it is.

10:50 1 Q. And you start off with an assumed salary for Ms. Jones.
2 And this would be in Scenario 1; so, this would be her working
3 with a high school diploma, correct?

4 A. Yes, that's correct.

10:51 5 Q. You start off with a base salary; and you subtract from
6 that her income taxes, correct?

7 A. Yes.

8 Q. Do you happen to know what the FICA tax rate is currently?

9 A. I think it's 6.7 percent.

10:51 10 Q. All right. Is FICA included in your tax calculation?

11 A. FICA would be -- that's income tax. So, it would be --
12 Column 4 is how much income tax she would pay at the end of the
13 year. So, that does not include FICA. It's just the income
14 tax that she would pay.

10:51 15 Q. All right. But, of course, she would pay FICA, correct?

16 A. Yes. I mean, like I say, that's going to be her bottom
17 line -- no, I take -- actually, it is. It's going to be her
18 bottom-line number on the IRS statement. So, yes, FICA is
19 going to be included as part of that rate. Whatever the
10:52 20 bottom-line number is on her income tax, that's what that
21 reflects.

22 Q. Well, let me try to be clear on this. I think you told us
23 that the \$2,739 was the income tax that Ms. Jones would pay,
24 correct?

10:52 25 A. That's correct.

1 Q. Not the FICA?

2 A. Well, it is her income tax, that's correct. It's not a
3 separate tax. It's just whatever income tax is for that
4 particular year.

5 Q. Does the 2,739-dollar figure include her FICA?

6 A. I would have to look at her actual tax return. She's going
7 to have her income that she brings in. Then she's going to
8 have any deductions that she has. I would have to look at her
9 tax return to see --

10 Q. Are these numbers based on the actual tax liability that
11 Ms. Jones had per her income tax returns?

12 A. The non-incident are based on the average tax liability for
13 that income level.

14 Q. For example, we see that in 2008, which would be the fourth
15 column down -- no, never mind. We'll approach it differently.

16 You understand that on a Form 1040, or the
17 Easy 1040 or whatever form is used by the taxpayer, that no
18 check is written by the taxpayer to cover FICA; that's withheld
19 from every paycheck. You understand that?

20 A. Yes.

21 Q. All right. You're basing your tax numbers here not based
22 on a FICA payment by Ms. Jones, because she doesn't make one;
23 you're basing your tax calculations based on her income tax
24 returns and her tax liability generated by her income tax
25 returns, correct?

10:54 1 A. I'm sorry. You have to repeat that. I don't understand
2 the first part.

3 Q. Okay.

4 MR. McKINNEY: Can we pull up Ms. Jones' 2004 income
10:54 5 tax return? Do we have that handy, 2004?

6 BY MR. McKINNEY:

7 Q. Let's just do it a different way. FICA comes out of
8 people's earnings, correct?

9 A. That's correct.

10:54 10 Q. And if your figure, right here in Column 4, of \$2,738 does
11 not include FICA, then you have overstated Ms. Jones' earnings
12 in Column 3 by the amount of 6.7 percent. Fair statement?

13 A. The way it would work is you've got the FICA part that
14 comes out; that's going to be put on your tax return, however,
10:55 15 as money that you paid in. And then, if she has taxes that are
16 above and beyond that or if she has tax liability that's above
17 and beyond that, then she would pay additional.

18 So, I'm not -- I guess I still don't completely
19 understand your question in terms -- it wouldn't be an
10:55 20 overpayment. It's going to be whatever it is, based off her
21 income situation and her income tax situation.

22 Q. Do you prepare income tax returns for a living?

23 A. No, sir.

24 Q. Are you knowledgeable, expert in income tax law and how
10:56 25 income tax -- how income is taxed and reported?

10:56 1 A. Only as I need to. I mean, I don't -- that's not something
2 I do on a day-to-day basis other than to evaluate these type
3 income losses in these type cases. And, of course, my own.

4 MR. McKINNEY: Can we switch to the Elmo, please, for
10:56 5 a minute?

6 BY MR. McKINNEY:

7 Q. As an example, this is Ms. Jones' W-2 form for 2004. Do
8 you see the upper two right-hand boxes right here?

9 A. Yes. Are you referring to 2 and 4, Box 2 and 4?

10:56 10 Q. Yes.

11 A. Yes.

12 Q. And you can see where there is -- on \$23,000 in income,
13 there is \$2,957 withheld for income tax. Do you see that?

14 A. Yes, I see it.

10:57 15 Q. And you see that there is also withheld \$1,434 as Social
16 Security earnings. That would be the FICA. Do you see that?

17 A. I see that, yes.

18 Q. All right. Now, as you can see in 2004, based on earnings
19 of \$23,000, the federal withholding was \$2,957. Do you see
10:57 20 that?

21 A. Yes, sir, I see it.

22 Q. \$23,000 is \$15,000 less than \$38,000. You would -- that's
23 just simple arithmetic, right?

24 A. Yes.

10:57 25 Q. Okay.

10:58 1 MR. McKINNEY: Apparently this doesn't have -- this
2 tax return doesn't have Ms. Jones' tax liability calculation.
3 Let's go back to the earnings scenario, please.

4 THE COURT: What do we need?

10:58 5 BY MR. McKINNEY:

6 Q. If you look at Column 4, for the year 2012, you'll see
7 right here that you have calculated a tax liability of \$2,739
8 based on annual income of \$38,000. Do you see that?

9 A. Yes, I see that.

10:59 10 MR. McKINNEY: May I approach?

11 THE COURT: You may.

12 BY MR. McKINNEY:

13 Q. And as you can see from the W-2 form in 2004, based on
14 \$23,000 in income, not 38,000 but 23,000 -- do you see that?

10:59 15 A. Yes, I see it.

16 Q. The tax withheld is \$2,957. Do you see that?

17 A. Yes, I see it.

18 Q. That is over and above the FICA of \$1,434. Do you see
19 that?

10:59 20 A. Yes, I see it.

21 Q. Doing the math in your head, you are almost at \$4,500 in
22 total tax liability, FICA plus income tax, based on income of
23 \$23,000. Do you see that?

24 A. Yes, I do.

10:59 25 Q. All right. Now, in your methodology up here, where we see

11:00 1 that \$23,000 produces approximately \$4,500 in tax liability,
2 according to your methodology, \$38,000 produces \$2,739 in tax
3 liability. Do you see that?

4 A. Yes.

11:00 5 Q. That doesn't make any sense, does it, that if your income
6 goes up \$15,000, your tax liability goes down by \$1,700? That
7 doesn't make any sense, does it?

8 A. Yes, sir, it makes perfect sense, because what you've shown
9 me is simply -- you've shown me a W-2. It shows how much they
11:00 10 took out. It doesn't show how much she actually paid.

11 What I've actually looked at here in Column 4
12 shows the actual amount that people actually pay. This is from
13 IRS returns that show, on average, a person that makes \$38,000
14 a year will, on average, pay about -- I put here \$2,739 in
11:01 15 taxes per year. It's based off of actual IRS returns, in terms
16 of what she actually could be expected to pay.

17 Q. Okay. So, your Column 4 income tax is based on a
18 statistical average, correct?

19 A. It's based on the average that the IRS -- in terms of what
11:01 20 people actually pay who earn \$38,000, what, on average, do they
21 actually pay in terms of tax returns. And that's the
22 calculation, yes, sir.

23 Q. All right. And do you know whether the number that you are
24 relying upon from the IRS statistics is income tax only or is
11:01 25 it income tax plus Social Security tax?

11:01 1 A. It's the bottom-line income tax. And, so, as I described
2 before, if it's the case that -- what you just showed me there,
3 whatever they withhold -- first of all, she's going to have her
4 FICA. They take that out. Then, obviously, depending on how
11:01 5 many deductions you have, that's going to be another component
6 that gets taken out. Some people, they'll only claim a few
7 number of deductions because they want a large amount taken
8 out.

9 This number here shows the bottom-line number in
11:02 10 terms of taxes that that person -- their tax liability at the
11 end of the year. This is how much they would owe in taxes,
12 accounting for, just as I described, the calculation.

13 Q. Do you understand that there is a fundamental difference
14 between income tax and Social Security tax?

11:02 15 A. Yes.

16 Q. You understand that?

17 A. Yes.

18 Q. Everybody who makes \$38,000 in the United States pays
19 exactly the same Social Security tax. It's a stated percentage
11:02 20 of their income, which the employer matches. You understand
21 that?

22 A. Yes.

23 Q. So, there's not an average, there's not a composite.
24 Everybody pays the same at 38,000; everybody pays the same at
11:02 25 39,000. You understand that?

11:02 1 A. It's the same percentage, the Social Security is the same
2 percentage.

3 Q. Income taxes are different. Some people are married, some
4 people have children, some people take care of an elderly
11:03 5 person, some people are blind, some people have a home and have
6 a mortgage interest deduction, some people give a lot of money
7 to charity; and that causes a fluctuation in the amount of
8 money that two people earning the same amount might pay in
9 income tax. You understand that?

11:03 10 A. Yes.

11 Q. The number that appears in Column 4 -- Column 4 is the
12 income tax number. It's the average income tax number, not the
13 FICA number. Isn't that true? Or do you know?

14 A. It's the average income tax number, just as I described.

11:03 15 It flows through the IRS tax return. That's how much they will
16 actually pay in income taxes to -- taking into account what you
17 paid in and your deductions, that's how much your liability
18 would be.

19 Q. So, it's true, then, that your baseline numbers do not
11:04 20 adjust downward for the FICA tax. Isn't that true?

21 A. I don't believe that's true. I mean, it flows all through
22 the IRS tax return. From my understanding, it flows all
23 through the tax return. So, that's going to be how much that
24 they pay at the end of the year in income taxes on that income.

11:04 25 MR. MCKINNEY: Judge, I think we need to approach

11:04 1 because we have a fundamental disconnect here on what tax
2 returns do and do not do.

3 THE COURT: Cher, I'm going to have to ask you to move
4 over here.

11:04 5 THE REPORTER: Yes, Judge.

6 *(At sidebar with all counsel)*

7 MR. MCKINNEY: I know this is like watching paint dry
8 and I apologize. Here's the problem. This witness doesn't
9 have a clue about the difference between FICA and income tax.
11:07 10 And he starts off with basic Number A and backs out taxes. He
11 doesn't back out FICA. Okay? If you don't back out FICA, you
12 get a bigger number down here.

13 But he doesn't even know what FICA is and when it
14 comes out. You don't pay FICA on your income tax returns.
11:07 15 It's W-2 reporting. That doesn't show up anywhere on the tax
16 return. It's already paid in. It's simply an income tax
17 calculation based on taxable income.

18 THE COURT: As long as you make the maximum amount,
19 yeah.

11:07 20 MR. MCKINNEY: Right. He doesn't know that. He
21 doesn't have a clue on that, and you can't instruct him that's
22 the case because you can't put knowledge in his --

23 THE COURT: What are you asking me to do, then?

24 MR. MCKINNEY: The witness' fundamental technology and
11:08 25 his competence and his expertise and his premises simply make

11:08 1 it impossible to examine the man.

2 THE COURT: I wish we had this on a motion in limine.
3 I know you had many things to limine out.

4 But I have a huge problem assuming she would have
11:08 5 ever have got a Master's degree.

6 MR. MCKINNEY: That's a big problem, too. He doesn't
7 know what kind of Master's degree she would have gotten. He
8 doesn't know what the earnings projections are for somebody who
9 has a degree in anthropology that likes to work at Compaq
11:08 10 Computers.

11 THE COURT: The bigger problem is whether she has the
12 capacity to get a Master's.

13 MR. MCKINNEY: In an area that would matter.

14 THE COURT: Yeah. Well, I mean, did she distinguish
11:08 15 herself in high school?

16 MR. ESTEFAN: She was taking college courses before
17 she even began working for Halliburton. There's evidence of
18 that.

19 MR. MCKINNEY: That's another fundamental flaw --

11:09 20 MR. HEDGES: Her degrees are online degrees.

21 THE COURT: I know they are.

22 MR. HEDGES: American military university.

23 THE COURT: I know they are. But he seems to think
24 that doesn't matter either.

11:09 25 MR. HEDGES: I'm going to ask him that. I think

11:09 1 you're right.

2 MR. MCKINNEY: Here's something -- this is -- you can
3 bounce him on methodology right here. Although, he obviously
4 is going to use it for different purposes. But I just can't
11:09 5 believe his ignorance on this one fundamental flaw. So, I'm
6 stuck there.

7 But you see how every year her projected wages go
8 up? He backs out the current earnings and assumes that her
9 earnings remain stable and never go up. The only number that
11:09 10 doesn't go up for a lifetime in these projections are her
11 current earnings. That's total fantasy, cannot happen, would
12 not happen. It's just a ridiculous assumption. But it causes
13 these numbers over here to grow and grow and grow.

14 And I think this witness needs to be stricken or
11:10 15 the jury needs to be instructed that this witness is not an
16 expert in calculating income tax and the jury should consider
17 the fact that he has not included FICA in his calculation which
18 would reduce the amount of --

19 THE CASE MANAGER: The jury wants a break.

11:10 20 THE COURT: Okay. The jury wishes to have a break.
21 Would all please rise?

22 It may be a little bit longer than a momentary
23 break, but you -- all of you can step back now.

24 MR. MCKINNEY: Can I voir dire this witness now that
11:08 25 the jury is out?

11:08

1

THE COURT: Yeah.

2

(Jury not present)

3

THE COURT: You may be seated, Doctor. You're clearly a very intelligent, man; but I'm having trouble with your methodology.

11:08

5

6

The plaintiff was a woman who graduated high school early perhaps but didn't even pursue a college education and got her further degrees from institutions of higher learning that I've never heard of. They're mail order, I think -- or online, I mean.

11:09

10

11

Without having some grounding in her personal abilities, her personal ambitions, it is really hard for me to think of the kind of projections you're making as suitable for this particular person.

11:09

15

16

I know statistics deal with masses, but I'm not even sure she belongs in the larger universe you picked for her.

17

18

Can you help me understand why it's appropriate to assume that this woman would have gone to -- on to a graduate degree?

11:09

20

21

THE WITNESS: Sure. But as I've stated in the report, I mean, that's why I do four different scenarios. At this point when I looked at -- the only thing I've done is looked at her actual, you know, what she has done. And my understanding, she did take some courses after -- in between high school and

11:10

25

1 her deployment -- or her contract with KBR.

2 THE COURT: Where were those courses?

3 THE WITNESS: When I asked her, she didn't know the
4 courses -- she couldn't recall the courses at the time but --

5 THE COURT: Where were they taught, though?

6 THE WITNESS: They were at Lone Star Community
7 College.

8 THE COURT: I never even heard of that.

9 THE WITNESS: But I think at the time it was called
10 North Harris, Montgomery County Community College, is where she
11 took those courses. But as I said before, I've done four
12 different scenarios to account for that. I don't have any --

13 THE COURT: But shouldn't we apply some kind of
14 percentile likelihood to that? I mean, could you have done
15 something where you looked at all the high school graduates who
16 started off at online universities and try to work from that
17 database rather than -- I mean, yours don't account for some
18 undergraduate who might have gone to MIT or whatever versus
19 somebody that earned degrees online, right?

20 THE WITNESS: It would include all types of Master's
21 degrees.

22 THE COURT: Okay, Mr. McKinney.

23 MR. MCKINNEY: Can we call back up the earnings
24 scenario?

25 ///

1 VOIR DIRE EXAMINATION

2 BY MR. McKINNEY:

3 Q. Doctor, the jury is not in the room; and I apologize for my
4 brusqueness with you. We're all grownups. We do this for a
11:11 5 living. You testify in courts for a living. You're used to
6 the rough and tumble. So, it's getting ready to get rough and
7 tumble. Okay?

8 A. No problem, sir.

9 Q. Okay. Do you have your calculator with you?

11:11 10 A. No, I don't.

11 Q. All right.

12 THE COURT: Do you want me to go get one?

13 MR. McKINNEY: I've got one.

14 BY MR. McKINNEY:

11:11 15 Q. Take my word for it, 6.75 percent of \$38,000 is \$2,546.

16 Okay? You with me?

17 A. Yes.

18 Q. All right. So, that would be an automatic reduction in the
19 base salary of \$38,000 that you start with in the year 2012,
11:12 20 would it not?

21 A. I think -- you wouldn't do that because -- I see what
22 you're -- the question -- that FICA is a benefit. She pays
23 into the system and she's going to get retirement for that and
24 she's also eligible for Social Security. So, you don't deduct
11:12 25 that from the -- this first part. You don't make that

1 calculation.

2 Q. Do you agree with me that FICA is not included in the
3 2,739-dollar figure that you have for income tax?

4 A. I do understand your question now. That is -- like I said
5 before, it is the amount that is paid on income tax.

6 The FICA part is actually -- if you look at the
7 Column 5, that's the benefit that the employer -- that's the
8 benefit -- the benefit that she gets from FICA. And then she
9 pays into it and then she gets those down the road. So, the
10 income is just -- is the only thing shown in 4, the actual
11 income tax.

12 Q. You know, I've been asking you that question for about
13 15 minutes. Have you not understood it?

14 A. Not until now, sir, I didn't.

15 Q. All right. Well, let's roll down to Column 7. And before
16 we talk about Column 7, you have projected future growth in
17 every column that -- regarding Ms. Jones' future earnings
18 capacity, correct?

19 You projected that her salary will go up every
20 year; and you've applied a growth factor that further increases
21 that number, correct?

22 A. Under the non -- had the incident not occurred, there is a
23 growth factor in terms of what her salary would be. The growth
24 factor shown in Column 7 is just inflation. So, that's the
25 factor that would account for inflation.

11:14 1 Q. All right. Now, if you look at Column 7, you use a
2 baseline of Ms. Jones' current earnings, 25,000 a year and you
3 project that out over the life of your analysis, through the
4 age of 55, with not a single penny in increase on the Column 7
11:14 5 earnings, correct?

6 A. Well, there's the -- if you look at Column 12, the growth
7 factor is applied to the earnings in that. It's assumed to
8 grow by inflation.

9 Q. You don't have any raises in salary for Ms. Jones, do
11:14 10 you --

11 A. No, I don't.

12 Q. -- in Column 7?

13 Now, something else that you do is, in Column 3,
14 you predict a raise every year for Ms. Jones if she had stayed
11:14 15 in the IT field, correct?

16 A. That's correct.

17 Q. Then, in Column 12, you increase the raise by the rate of
18 inflation, correct?

19 A. The amount is increased by inflation to put it all in the
11:15 20 same dollars. It's just -- the first component is the increase
21 and the actual salary. The other part is just simply to
22 account for inflation so that the dollars stay in the same
23 terms, 2011 dollars.

24 Q. So, you actually grow her salary in two ways on the plus
11:15 25 side. You give her a raise every year and then every year you

1 have an inflation factor that goes up that further increases
2 her salary, correct?

3 A. That's the mathematical component. It ends up that -- the
4 person's salary had the one part --

5 Q. The answer to my question, Doctor --

6 A. -- and then also the inflation part. And, so, they go in
7 jointly.

8 Q. Doctor, the answer to the question is, yes, you start off
9 giving her a raise every year and then you increase that raise
10 by a projected rate of inflation. Is that correct?

11 MR. ESTEFAN: I'd ask that he let the witness answer
12 the question rather than asking his question and then answering
13 it himself, your Honor.

14 THE COURT: Well, I worry less about leading questions
15 and prompts during a hearing outside the presence of the jury
16 but --

17 MR. ESTEFAN: I understand.

18 THE COURT: But I think they have been, for several
19 minutes, not just -- not on the same bandwidth. So, I'm going
20 to allow some latitude to Mr. McKinney on this.

21 But do give him a chance to answer the question.

22 BY MR. McKINNEY:

23 Q. The punch line here is you project a raise every year for
24 Ms. Jones and then you take that raise and you increase it
25 again by an assumed inflation factor, correct?

1 A. That's the mathematics of it, yes.

2 Q. All right. However, in each year where you do that, you
3 also assume that Ms. Jones, if she remained in her present
4 position, would not make any more money in ten years than she's
5 making today, other than an inflation adjustment, correct?

6 A. Well, just to be clear, that assumption is based off of the
7 rehabilitation assessment. I don't have the independent
8 assessment of her future earnings. It's based off of my
9 understanding of Mr. King's analysis that says this is her
10 earnings capacity and it hasn't changed. So --

11 THE COURT: The Judge needs to take a short break.
12 I'll be back. You-all may take a break, too.

13 *(Recess was taken from 11:17 a.m. to 11:22 a.m.)*

14 *(Jury not present)*

15 THE COURT: Okay. Mr. McKinney, do you have other
16 questions?

17 MR. McKINNEY: One or two, Judge.

18 BY MR. McKINNEY:

19 Q. In Column 7, Column 8, and Column 9, you project the same
20 earnings as your deduction factor for calculating economic
21 loss. You project the same number, the same earnings, a level
22 \$25,200 for every year of Ms. Jones' work life, do you not?

23 A. As I stated, that's based off Mr. -- I don't have a
24 separate opinion there, as I put in my report. That's the
25 number that's based off of Mr. King's report. It assumes

11:23 1 that -- it goes forward. And, as I stated in the report, if it
2 were to change, then the damage would end earlier. I don't
3 have any separate --

4 Q. It's not a difficult question. It really isn't. It's not
11:23 5 a difficult question. I am asking you if you do not project --
6 okay.

7 In every other instance in your report, what you
8 do is you assume that every year Ms. Jones would get a raise
9 and every year of that raise would be further enhanced by
11:24 10 inflation. You do that, do you not?

11 A. I assume, had the incident not occurred, that she would
12 have continued down the path in IT and would have gotten raises
13 on a regular basis.

14 MR. McKINNEY: Judge, I cannot effectively examine
11:24 15 this witness, either before the Court or in front of the jury,
16 if he is not instructed to answer a straightforward question
17 "yes" or "no."

18 It is plain as the nose on his face and mine what
19 he has done here. And we have one column, the good column,
11:24 20 where he gets his damages up, where he assumes a raise every
21 year and he further inflates it by an inflation factor.

22 THE COURT: All right.

23 MR. McKINNEY: He won't just say that's what he
24 does --

11:24 25 THE COURT: Is there any disagreement about that

1 point, Doctor?

2 THE WITNESS: No, your Honor, there isn't.

3 MR. McKINNEY: Now, the next thing he does -- and this
4 is why his methodology is fundamentally flawed -- he does not
5 apply the same standard to Ms. Jones' current earnings.

6 If you look at Columns 7, 8, and 9, you will see
7 that they remain the same, she gets no raises, there's no
8 inflation factor. It remains the same for a 55-year life
9 history.

10 So, he uses one process to the get damages up.
11 Then he artificially and, contrary to all reality and all
12 reason, he holds the negative number down, producing --

13 THE COURT: A large cap.

14 MR. McKINNEY: -- a false inflation of a number. The
15 methodology is inherently suspect. It's not used anywhere
16 outside the courtroom. It's not peer reviewed. It's not in
17 accordance with general accounting principles. It's not in
18 accordance with anything other than getting the number up in
19 the courtroom for the jury.

20 THE COURT: Let me get his response to that.

21 Why shall we not also increase the projection
22 from Ms. Jones' current work?

23 THE WITNESS: Sure, Judge. Simply, it's based off of
24 the analysis that's done by Mr. King that says at the present
25 time that this is her best and highest use in terms of her

1 capacity.

2 THE COURT: She wouldn't even get cost of living
3 raises?

4 THE WITNESS: Based off his analysis, he says that
5 this is -- well, I do give her cost of living raises. I don't
6 give her any promotions because -- or I don't assume she can
7 teach any additional classes because that's not what's stated
8 in Mr. King's report. But I do give her cost of living
9 increases.

10 BY MR. McKINNEY

11 Q. Can you show me the cost of living increases, please, in
12 Column 7?

13 A. No, sir. It wouldn't be in 7. 7 is the earnings.

14 But the cost of living increases are going to
15 come from 12 when you get the growth factor. That was the cost
16 of living increases that I was describing earlier.

17 Q. No, sir. With all due respect, you are calculating -- in
18 Column 10, you are calculating a 26,932-dollar annual loss
19 consecutive for 30-some-odd years. You are subtracting it from
20 Column 6. You're getting the answer that appears in Column 11,
21 and then you are applying your growth factor to the answer that
22 you get in Column 11. That's what you're doing. I can show
23 you mathematically.

24 So, you never ever in this table apply your
25 growth factor or your discount factor to the baseline figure of

11:27 1 \$25,200. Sir, you simply do not do it. Isn't that true?

2 A. No, sir, that's completely incorrect. As I describe here
3 in the table, what you described are the columns -- that part
4 is correct, but the actual mathematics that goes on is that I
11:27 5 apply the cost of living at the end.

6 There's no reason to add the cost of living
7 column to both, because I do cost of living increases to both
8 the non-incident and the post-incident side. So, I just do the
9 cost of living increase at the end of Column 12.

11:27 10 So, that's completely incorrect. I do give her
11 cost of living increases. But Mr. King did not provide -- he
12 did not suggest that her earnings capacity was going to
13 increase in the future. So, I didn't make any separate
14 analysis.

11:28 15 Q. All right. Let's do the math.

16 Let's start with -- let's pick age 30. You start
17 with the baseline number of 41692, correct?

18 A. Yes, that's right.

19 Q. And you subtract -- you work that up to -- you start with a
11:28 20 gross adjusted number or a total in Column 6 of 44 -- of
21 48,141, correct?

22 A. That is --

23 Q. That's earnings less taxes plus benefits, 48141?

24 A. That's correct.

11:28 25 Q. All right. You subtract that from -- from that you

1 subtract \$26,932, correct?

2 A. That's correct.

3 Q. Producing 21,209, correct?

4 A. In Column 11.

5 Q. Yes. And, then, this \$26,932 remains constant throughout
6 every calculation you do for every year, correct?

7 A. In Column 10, that's correct.

8 Q. Now, you apply your growth number to this net here, do you
9 not?

10 A. Yes, I do.

11 Q. And then you apply your discount number to this -- to
12 21,209 times the growth factor and then discount it, correct?

13 A. That's correct.

14 MR. McKINNEY: It is obvious from this testimony and
15 from this chart that the growth factor is never applied to
16 Column 7, the growth factor is applied to column -- or sorry --
17 to Column 10. The growth factor is applied to the ever
18 increasing Column 6, minus the constant of Column 10, and then
19 inflated by the growth factor. So, this witness is not
20 increasing, in any way, shape, or form, his net damage
21 calculation by future earnings --

22 THE COURT: If she stayed doing what she was doing?

23 MR. McKINNEY: Right, if she stayed doing what she was
24 doing.

25 This methodology, Judge, is -- with all due

11:30 1 respect to the doctor, it is quack economics. It is junk
2 economics and this witness should be stricken and the jury
3 instructed to disregard because the only thing we have to work
4 with here to cross-examine this witness is fundamentally
11:30 5 flawed.

6 If you were to go out and do new charts, it would
7 be too late. It would be like a late designated witness.

8 THE COURT: Let me get Mr. Estefan's response.

9 MR. ESTEFAN: My response, Judge, is I think the
11:31 10 witness was explaining exactly how he arrived at his
11 methodology. Right now, the -- the previous witness, Mr. King,
12 showed for one or two or however many years in his report that
13 that's what Ms. Jones made. And for Dr. Steward to start
14 making assumptions that she can -- that she can make different
11:31 15 incomes without a basis for that is --

16 THE COURT: But why is that without a basis whereas
17 her regular raises and cost of living adjustments on the other
18 end are fair to assume?

19 MR. ESTEFAN: We have a history, Judge, of her -- what
11:31 20 she earned in the prior years. So, that gives us something to
21 use. She's -- according to Mr. King, she's maxed out at as
22 much as she can make right now with her limitations. He is
23 staying faithful to the methodology by saying, "I can't assume
24 next year she'll make 30" -- or 50 or a hundred or however much
11:32 25 down the road.

1 He can't do that or, otherwise, he would be
2 challenged for that. They would come in here and say, "How do
3 you know she's making that? How can you predict" -- if we had
4 somebody come in and say, "You should give Ms. Jones \$5 million
5 because she could have made this much earnings over the years,
6 "but there's no track for the record that, they would be
7 attacking that.

8 THE COURT: Well, I mean, I just -- I just find it
9 hard to assume that -- hard to believe that an assumption as to
10 one set of numbers is acceptable but not another set of
11 numbers.

12 Dr. -- I mean, Mr. King, whatever he says, this
13 is more Dr. Steward's field than Mr. King's. I don't know why
14 he should be bound by Mr. King's thinking she's not going to do
15 better.

16 MR. ESTEFAN: He has to factor that into his
17 calculation, Judge. He can't independently decide what her
18 earning potential is. That's why you have a vocational
19 rehabilitation person.

20 Dr. Steward has testified time and time again in
21 court. His CV is long enough to warrant his credentials and
22 qualifications in this case. He's --

23 THE COURT: He's clearly a very, very smart man. I
24 don't deny that. But I just -- I just have a hard time with
25 this assumption.

11:33 1 MR. MCKINNEY: Judge, it's worse than that. First, we
2 assume -- he assumes education levels, he assumes salaries, he
3 assumes raises, he assumes a growth factor in all of those,
4 assumption piled on assumption piled on assumption piled on
11:33 5 assumption.

6 Then he takes an arbitrary number that is -- that
7 actually bears some relationship to reality and refuses to make
8 any of the same assumptions he applies to his assumed numbers
9 and projects a level rate of earnings in -- over a 35 or
11:33 10 36-year period. That's quackery. That's not economics. It's
11 quackery.

12 And we have your role as the gatekeeper. In 31
13 years of doing this stuff, I'm fine with fact witnesses. This
14 kind of expert testimony, Judge, is precisely why we have
11:34 15 Daubert and its progeny, because faulty -- faulty calculations
16 like this, fundamentally, cannot form the basis of the jury's
17 opinion. That's the holding in Daubert.

18 THE COURT: Well, why wasn't this brought before me
19 earlier? This is awfully hard for me to do on the fly.

11:34 20 MR. MCKINNEY: Well, Judge, A, there was an awful lot
21 to do.

22 THE COURT: I know there was.

23 MR. MCKINNEY: It came in very late in the case. And,
24 given all of the other witnesses I've had to examine, quite
11:34 25 frankly, I did not sit down and flyspeck this until just this

11:34 1 weekend, getting ready for these upcoming witnesses. And I
2 knew he was on the list. I knew he would be here.

3 THE COURT: Yeah. Dr. Steward, if a given employee
4 has the kind of skill set that would advance her in one line of
11:35 5 work, wouldn't the same employee be able to bring that skill
6 set to work and advance in another field? Is that not a fair
7 assumption?

8 THE WITNESS: Well, your Honor, I think the biggest
9 issue is that we're talking about what would have happened had
11:35 10 the incident not occurred versus what has happened now. And
11 the reason that I don't think it's appropriate to make that
12 assumption is that she's now become basically injured; and I
13 relied on the vocational expert to tell me what that capacity
14 is. I don't think it's correct to --

11:35 15 THE COURT: Okay. So, one number is assuming she is
16 injured and the other number is assuming she's not?

17 THE WITNESS: That is correct.

18 MR. ESTEFAN: That's his whole point, Judge. You
19 have -- you have an earnings line that would have happened if
11:35 20 she had not been injured and a separate earnings line now
21 because of the injury. That's the differential. That's all
22 he's testifying to.

23 THE COURT: Well, I understand what he's doing. I
24 just -- this is one instance that I find it very hard to accept
11:36 25 assumptions because I -- I don't see anything about Ms. Jones'

11:36 1 life that would justify the higher set of numbers. I know
2 we're dealing with statistics and all that, but --

3 MR. McKINNEY: And it's the methodology, Judge.
4 There's just no defensible, articulable, intellectually
11:36 5 supportable process that would allow only growth assumptions on
6 the assumption side --

7 THE COURT: Well, he's taken Mr. King -- and maybe
8 even farther than Mr. King took his own reasoning. He's saying
9 that this is a damaged employee who will ever make only 25,000
11:36 10 a year or whatever.

11 MR. McKINNEY: And that's no part of Mr. King's
12 testimony. That is not anywhere in the record. And that is
13 not in Mr. King's report either.

14 Furthermore, even if Mr. King were to come in and
11:37 15 testify that, based upon his view of the future, Ms. Jones
16 would never make a penny more than she is making today, you
17 would have to strike that opinion because it's totally contrary
18 to common sense and everything we know about the economic
19 history of the United States.

11:37 20 And no one can predict with respect to a specific
21 individual that they will make \$25,000 a year in the year 2047.
22 No one can make that prediction and have that be a valid,
23 receivable expert opinion in federal court.

24 And that's essentially the logical extension of
11:37 25 what this witness says that Mr. King said, which Mr. King did

11:37 1 not say. I examined King on his methodology and whatnot.
2 It's, I think, suspect. But this witness is not tying his
3 testimony to Mr. King. Read Mr. King's report. You won't find
4 what this witness says is in there.

11:38 5 But still, you can't come into federal court
6 wearing the cloak of an expert and perform mathematical
7 problems in the way that this witness has and pass Daubert
8 muster. It can't be done. It's not an acceptable process for
9 arriving at these numbers. It's intentionally skewed.

11:38 10 THE COURT: Mr. Hedges, you want to add anything?

11 MR. HEDGES: No, your Honor.

12 THE COURT: Okay. Mr. Estefan?

13 MR. ESTEFAN: Yes, Judge. I think what Mr. McKinney
14 is going toward here is the weight of his testimony, not its
11:38 15 admissibility. If he thinks that his methodology is flawed,
16 point it out to the jury, let them come up with -- he has four
17 different scenarios there. One is if she had stayed with a
18 high school diploma. That's the first one. The one -- we
19 don't have to go all the way up to a Master's if Mr. McKinney
11:38 20 is arguing that.

21 But the fact is his methods are sound. He's
22 testified as to why. He's defended his position and his
23 methodology. He's -- his testimony should be allowed to go to
24 the jury.

11:39 25 MR. MCKINNEY: I move to strike this witness on the

1 grounds of unsupportable process and methodology pursuant to
2 Daubert. He has admitted that he only applies his growth
3 factor to the net of an increased number minus a stable number
4 times a growth factor. He has admitted that. That is not a
5 methodology that is recognized as sound in any peer reviewed or
6 generally accepted accounting or economic principle. It's
7 simply fundamentally flawed. I move to strike.

8 THE COURT: I mean, Dr. Steward has all the right
9 credentials; and he's made a study of this field, which I have
10 not done.

11 I am most concerned about the extrapolation made
12 from Mr. King. Why don't you say another word about that, sir?

13 THE WITNESS: Sure. As far as Mr. King, like I said,
14 I looked at his report. And he goes in and he assesses what
15 she's capable because -- her best use is as we sit now. And he
16 says that basically she can work the two -- two courses that
17 she's doing. And that's what he projects her earnings capacity
18 is.

19 And, so, what I have done is tied off of that and
20 estimated basically post-injury as --

21 THE COURT REPORTER: I'm sorry?

22 THE COURT: I'm sorry. We've got to be careful of the
23 paper rustling.

24 But I don't under -- I mean, I can assume that if
25 she's really injured she might not get merit-based increases.

1 But wouldn't she at least get cost of living increases?

2 THE WITNESS: Yes. And I -- and I'm going --
3 Mr. McKinney is just incorrect, sir. The growth factor that I
4 apply to the difference is the same as applying it to it
5 individually -- I mean, to each of the individual -- I apply it
6 at the end because it makes the calculation simpler. But I do
7 give her -- in fact, give her cost of living increases in both
8 scenarios.

9 MR. MCKINNEY: Absolutely not true. That's the
10 fundamental problem here. We have done the math. We have
11 taken the assumed inflated Column 6 number, we have subtracted
12 the constant Column 9 number; and then, and only then, do we
13 apply a growth factor. No growth factor is applied to the
14 Column 10 number -- or Column 9 number. It's not done.

15 MR. KELLY: The problem here, your Honor, is that
16 Mr. McKinney is not an economist and he's arguing with an
17 economist as if he is on equal footing and his testimony should
18 be believed over the economist's.

19 We understand Mr. McKinney doesn't agree; but
20 unless he's going to take the stand as an economist, I don't
21 think he's allowed to sit there and say that his methodologies
22 are flawed. He has no evidence of that. That's just his
23 opinion.

24 THE COURT: Well, was this gone into at Dr. Steward's
25 deposition?

11:42

1 MR. ESTEFAN: No, it was not.

2 MR. KELLY: They canceled his deposition.

3 MR. ESTEFAN: No, they did take it later.

4 MR. KELLY: Did they take it?

11:42

5 MR. ESTEFAN: It was taken, and it was not gone into.

6 His deposition was recent, too, your Honor.

7 MS. CULLEN: And that's entirely my fault because I

8 simply do not have Mr. McKinney's grasp of economics.

9 THE COURT: Okay. Well, I'm not interested in placing

11:42

10 blame.

11 I do think Dr. Steward has the right credentials;
12 and I do think that, to the extent that the method could be
13 challenged, opposing counsel can do that in the courtroom. I'm
14 not going to strike his testimony. I'm not going to strike him
15 as a witness.

11:42

16 Now, is the lunch -- I bought them lunch again
17 today. I thought -- they may deserve that much.

18 Not here yet?

19 Does it make sense to get them back in for just a
20 few minutes or not?

11:43

21 *(Discussion off the record)*

22 *(Jury present)*

23 THE COURT: Members of the jury, please be seated.

24 **CROSS-EXAMINATION**

11:45

25 BY MR. MCKINNEY:

11:45 1 Q. I think when we broke I was asking you if your reduction in
2 Column 4 includes FICA, and I believe we determined that it
3 does not. Is that correct?

4 A. Yes.

11:45 5 Q. Column 5 is your benefit assumption, correct?

6 A. That's correct.

7 Q. And what is the basis for these benefits of \$9,265 that we
8 see here that you are assuming for the year 2012?

9 A. The \$9,265, that represents the value of the -- the dollar
11:45 10 value of her health benefits, retirement contributions, her --
11 the employers' contributions to FICA. Those are the three --
12 life insurance.

13 Q. All right. And do you know whether Ms. Jones actually has
14 ever received all of those benefits?

11:46 15 A. My understanding is that when -- with her employment with
16 KBR that she did have those benefits.

17 Q. Which benefits did she have with KBR?

18 A. I believe she had retirement benefits, some type of health
19 benefits. I'm not sure of the FICA or how that works with
11:46 20 overseas deployments, but I'm not sure of --

21 Q. Let me ask you this. Can you tell us as you sit here today
22 what the actual value of Ms. Jones' employer benefit package
23 was while working with KBR?

24 A. No.

11:46 25 Q. So, you -- can you tell us approximately what that number

11:46 1 is?

2 A. Oh, I'm sorry. For -- not for -- to be clear, in 2012, I
3 mean, there's no assumption that she's actually working for
4 KBR. There's actually only one year in which I look at the
11:47 5 actual KBR benefits, and that would be the 2006. And I have a
6 value of \$16,563 for that year.

7 Q. Yes, I see where you came up with that number. But she
8 didn't work for KBR in 2006. Were you aware of that?

9 A. Yes, I'm aware of that.

11:47 10 Q. All right. So, you have a number here of \$16,563 for her
11 2006 benefits. If she wasn't working for KBR in 2006, how do
12 you know what that number was?

13 A. Okay. As I've stated when I went through the report that
14 this is a non-incident scenario. So, that's the scenario or
11:47 15 the part of the analysis that looks at had she -- had the
16 incident not occurred, the assumption is that she would have
17 continued to work at KBR. And that number is based off of the
18 contract that I reviewed. The number of this \$16,563 is the
19 benefits based off of the contract that I reviewed.

11:48 20 Q. So, you're saying you reviewed the contract and actually
21 did a mathematical calculation?

22 A. I did review the contract, and I did do a mathematical
23 calculation to get the benefits.

24 Q. All right. Did you bring that calculation here with you
11:48 25 today?

11:48 1 A. It's just the benefit multiplier. I don't have the number
2 with me, no.

3 Q. All right. Continuing down on Column 6, Column 6 is the
4 total assumed earnings that you assume that Ms. Jones would
11:48 5 have, benefits and income minus taxes but not minus FICA,
6 correct?

7 A. Income minus taxes plus the benefits, which -- and there's
8 no deduction for her contribution to FICA in this particular --
9 in each of the years, no.

11:49 10 Q. Yes. So, you don't back out her FICA and you consider the
11 employer's matching FICA to be a benefit and that goes in the
12 number that we see in Column 6, correct?

13 A. That's -- the 6 -- 5 has the FICA that the employer pays
14 in, and 6 is the total of the earnings minus taxes plus the
11:49 15 benefits.

16 Q. I think that's what I said. You consider -- you consider
17 the employer's matching FICA to be a part of the employee's
18 benefit program, correct?

19 A. Yes.

11:49 20 Q. And, so, you have this -- as we see in 2012, you have a
21 total assumed earning for Ms. Jones of \$44,528, correct?

22 A. Yes, sir.

23 Q. Then, in the next column, you have her current earnings as
24 an adjunct professor at \$25,200, correct?

11:50 25 A. Yes.

11:50 1 Q. You subtract her taxes but not her FICA, correct?

2 A. That is correct.

3 Q. And then you have a benefit package of \$3,408. Do you see
4 that?

11:50 5 A. Yes.

6 Q. All right. Now -- for a total compensation package of
7 \$26,932, correct?

8 A. Yes.

9 Q. You subtract -- and that's Column 10, is the total earning
11:50 10 package that you say -- that you assume Ms. Jones has, correct?

11 A. Yes, Column 10 is the total package that she currently had
12 that year, that's correct.

13 Q. And to calculate her loss of earnings, you subtract
14 Column 10 from Column 6, do you not?

11:51 15 A. Yes, I do.

16 Q. And that produces, based upon the various assumptions
17 you've made, a loss to Ms. Jones of \$17,596, correct?

18 A. Yes, sir.

19 Q. And then you apply a growth factor to that number of
11:51 20 \$17,596, correct?

21 A. Yes. There's a growth factor applied to the number in
22 Column 11, that's correct.

23 Q. All right. And what that growth factor does, without doing
24 a bunch of arithmetic, is it makes the damage figure that
11:51 25 you've calculated of \$17,596, it makes that damage figure go

11:51 1 up, correct?

2 A. Well, I mean, from a mathematical standpoint, that's the
3 factor; but that's not -- that's not what the factor is for.
4 It is to account for inflation.

11:52 5 Q. I understand -- I understand you -- it's an inflation
6 factor that you assume. But the effect of applying your growth
7 factor is to cause the number of \$17,596, to cause that number
8 to increase, correct?

9 A. The impact of that is an increase, too, as a result of
11:52 10 inflation. I'm not trying to cause anything, but it's -- the
11 impact of that is to account for inflation and --

12 Q. I got that.

13 A. -- inflation causes things -- prices to increase. And
14 that's what that accounts for.

11:52 15 Q. This is to help the jury understand your methodology and
16 the effect of these different numbers. We're going to talk
17 about the fact, in just a minute, that the discount factor then
18 reduces the number.

19 So, first let's talk about the growth factor and
11:53 20 get it clear on the record that what you essentially do with
21 this growth factor number is you multiply 1.0376 times \$17,596;
22 and that produces a new number to which you -- which is a
23 larger number, correct?

24 A. It is a larger number than \$17,596, yes.

11:53 25 Q. Right. And then you discount the number by a discount

1 rate, correct?

2 A. Yes, that's correct.

3 Q. And the discount rate reduces the number that had
4 previously been increased by the growth rate, correct?

5 A. Yes, that's correct.

6 Q. And that produces the net economic value, or net loss, that
7 we see in Column 14, correct?

8 A. That's correct.

9 Q. And Column 15 represents the -- the cumulative total of the
10 prior losses that you've calculated, correct?

11 A. Yes.

12 Q. And, so, that's how you do the annual calculation and you
13 add it up to what you calculated in the past and that's how we
14 can look at each one of these horizontal columns to figure out
15 what you've done. Is that right?

16 A. That's correct.

17 Q. All right. Now, if we look vertically at column -- let's
18 look at Column 6.

19 MR. McKINNEY: And if we can highlight Column 6 from
20 top to bottom and also highlight Column 10 from top to bottom
21 and pull those two out side by side, please.

22 Sometimes these things take a minute, and I
23 apologize.

24 Can we blow those up, please?

25 Is that as good as it gets?

11:55

1 Okay. Good enough.

2 BY MR. McKINNEY:

11:56

3 Q. This is kind of a snapshot, if you will, of where you see
4 the assumptions you make in Column 6 increasing every year,
5 correct?

6 A. Column 6 --

11:56

7 Q. And let's review what Column 6 is. Column 6 is the
8 arithmetic result of, first, your assumption as to what
9 Ms. Jones' starting salary would be -- or what her salary would
10 be in the year 2012, then increased every year by your
11 projected or assumed rates of her getting raises, correct?

11:57

12 A. Close. What Column 6 is -- just to be completely clear,
13 Column 6 is the -- what she would have earned had she got a
14 high school -- I believe -- I think this is a high school
15 education.

11:57

16 And, so, this shows what she would have been
17 expected to earn in each of the years. The age is not shown
18 there. But each of the years, this is how much she would have
19 been expected to earn. And it takes into account the expect --
20 the average increases that a person with a high school
21 education gets from year to year. That's what Column 6 is.

22 Q. Right. But so we're all clear on what you're doing here,
23 you assume that she will get a raise every year of her life
24 from age 28 through age 55, correct?

11:57

25 A. Like I say, that's not an assumption. It's a projection

1 based off the data. The data shows this is what people with a
2 high school education earn at different parts of their career.
3 And it reflects that as people progress along their career they
4 do get increases, but they -- if you look at the actual growth
5 there, you'll see that they increase but they increase at a
6 decreasing rate. So, there are raises; but that's what's
7 typical of most people's careers.

8 Q. Okay. Well, sorry. You're assuming that the projection,
9 the average statistical projection that appears in Column 6
10 right here applies to Ms. Jones?

11 A. My assumption is that had she not -- had the incident not
12 occurred, that -- and she would have stayed -- she would have
13 gotten a high school degree and would have stayed in the
14 IT field, Column 6 represents the earnings that she could have
15 expected to receive over her remaining work life.

16 Q. Okay. Now, Column 6 goes up every year, does it not?

17 A. Yes, sir, Column 6 increases each year.

18 Q. But Column 10 does not go up every year, does it?

19 A. No, sir, it doesn't.

20 Q. You assume, or you project, in calculating Ms. Jones'
21 economic loss a number of things. First you assume that she
22 will stay in exactly the same position she is in right now.
23 That's one assumption you make, correct?

24 A. No.

25 Q. You don't make that assumption?

11:59 1 A. No, sir.

2 MR. McKINNEY: Well, let's throw up Column 7.

3 BY MR. McKINNEY:

4 Q. And even without highlighting, I believe we can see that in
11:59 5 every year -- comparing 6 and 7, every year in Column 6 your
6 numbers go up and every year in Column 7 the numbers stay the
7 same. Do you see that?

8 A. Yes, I see that.

9 Q. All right. Now, in order for the numbers to stay the same,
11:59 10 Ms. Jones would have to remain in her current position -- or
11 are you assuming she might find some other job somewhere else
12 paying exactly \$25,200 a year?

13 A. Well, what my assumption is, is that now that she has
14 become injured that -- I've looked at the rehabilitation
12:00 15 assessment of Mr. King; and he assesses her best use as what
16 her earnings are right now, which is \$25,200.

17 And, so, what this represents is what she could
18 be expected to earn if her injuries don't improve. So, that's
19 the assumption that's made for Column 7.

12:00 20 Q. You assume -- apparently based on something you read
21 Mr. King wrote, you assume that, for whatever reason, when
22 Ms. Jones is 46 years old, which is the last line right down
23 here, you assume that at age 46 Ms. Jones would be able to make
24 only \$25,200, the same \$25,000 you have her making at age 28.

12:01 25 Is that correct?

1 A. No, sir. As I stated before, the assumption is that, based
2 off Mr. King's assessment -- he's determined what her current
3 earnings capacity is as we sit. And he stated at this point
4 there's no -- there have been no improvement in those injuries.

5 So, based off of that, that's the only projection
6 that I do. I base it off of his earnings capacity analysis.
7 And until her injuries improve, this is what you would expect
8 her to be able to earn.

9 Q. Do you have Mr. King's report in front of you?

10 A. Yes, I do.

11 Q. Can you find the part where he says that she will never
12 make more than \$25,200 a year for as long as she lives?

13 Because I would like to see that.

14 A. I don't think he uses those exact words.

15 Q. Well, can you find something that comes close, that would
16 justify the projection that you've made?

17 A. Sure. Let me review it.

18 I'm ready.

19 MR. McKINNEY: May I stand next to the witness,
20 please?

21 THE COURT: All right. You may.

22 A. He states that --

23 BY MR. McKINNEY:

24 Q. Show it to me.

25 A. Okay. Well, I'll read it from my report first.

1 He states that, "Ms. Jones is working at the
2 highest level she can function in work setting at this time."
3 And that -- that is the earnings capacity that she's at now.
4 Q. Based on Mr. King's assessment in his report, that she is
5 currently doing as much as she can do at this time, you take
6 those words to mean that for the rest of her life she will
7 never make more than \$25,200?

8 A. No, sir. As I said before, I take that to mean that at the
9 current time, until -- when and if her injuries improve, her
10 income may go up. But I state that -- in my report, that if
11 her injuries do -- I don't know how long the damages will go
12 forward. If they do improve to the point where she can work
13 more, then those numbers would go up.

14 But I do take that to mean that, as we sit here,
15 until those injuries improve, this is her earnings capacity.

16 And I'm not a vocational rehabilitation expert.
17 So, I rely on him to tell me what her capacity is; and that's
18 what he states.

19 Q. Well, just applying common sense, does it make any sense to
20 you whatsoever that Ms. Jones would work for a company, for the
21 rest of her life, that never gave her a raise even once in 35
22 or 40 years? I mean, who -- who would ever do that?

23 A. Okay. Well, as I said before, it makes perfect sense.
24 It's not like she would work for one employer. The idea is
25 that this is all she can do. She can't work any more hours.

12:04 1 She can work -- right now she's doing two courses; and that's
2 the extent, given the preps and everything else that she has to
3 do. And, so, it's not unreasonable to think that that's what's
4 going to happen in the future.

12:04 5 If things improve, then I would expect those
6 numbers could change and she may be able to add more courses.
7 But as we sit here now, my understanding is this is her
8 capacity.

12:04 9 Q. Let's talk about how reasonable the assumption is that she
10 can't do any more than she's currently doing.

11 Did you review her employment history?

12 A. Yes, sir.

13 Q. Did you happen to note that, before taking the position
14 with the University of Houston, Ms. Jones was actually employed
12:05 15 full time?

16 A. I know she was employed as a teacher, yes.

17 Q. Full time?

18 A. I saw the salary. I think it was full time. I don't know
19 exactly how many hours she was working on a given week; but it
12:05 20 was what would be classified as a full-time teaching position,
21 I believe.

22 Q. Yes. If Ms. Jones was employed full time and is now
23 working part time, wouldn't that imply that, A, she was capable
24 of working full time and, B, for whatever reason, perhaps that
12:05 25 she has small children at the home, she has decided to work

12:05 1 part time?

2 That is a personal choice, not a situation forced
3 by what happened or what did not happen in Iraq. Does that not
4 seem reasonable to you?

12:05 5 A. Well, of course, I'm not a vocational rehab expert; but
6 just based on that, no, I don't think there's any reason to
7 believe that because she was teaching full time at an
8 elementary school versus teaching part time at a college, I
9 don't think that that suggests that she could still work full
12:06 10 time. Because now the preps -- the two preps she has now for
11 those two classes could be quite -- could be equal to what she
12 was doing before. No, I don't think that that's enough to say
13 that she can work full time.

14 Q. All right. Okay. Now, if we go out to Column 12, we have
12:06 15 a growth factor, do we not?

16 MR. McKINNEY: Blow up Column 12.

17 A. Yes. That's growth factor, yes.

18 BY MR. McKINNEY:

19 Q. And that's your predicted rate of inflation and how that
12:06 20 might impact earnings, correct?

21 A. Yes.

22 Q. And you take your predicted inflation rate and you apply
23 that to a salary that you have already predicted will produce a
24 raise, correct?

12:06 25 A. No. The growth factor -- growth factor is actually applied

12:07 1 to both sides of the equation. It's applied to the earnings
2 that I would expect her to have had she not become injured, and
3 it's also applied to the side where it's based off of
4 Mr. King's assessment of her current earnings capacity. So,
12:07 5 it's applied to both sides, not just the side -- the
6 pre-incident side.

7 THE COURT: The food is here for the jury. So, why
8 don't we take a break now?

9 I know you-all -- and we appreciate the fact you
12:07 10 want to work as many hours as you can today. Do you want
11 45 minutes? Is that enough?

12 Okay. All right. Be back here, then, at five
13 minutes to 1:00.

14 *(Jury not present)*

12:08 15 MR. KELLY: Just to be fair, your Honor, I don't know
16 how much cross-examination we have. I'm not sure how much
17 cross-examination they have of this witness or of Ms. Nelson;
18 but depending how much cross-examination they have, we may not
19 have enough witnesses to fill the day. So, I don't know if you
12:08 20 want to give the jury a longer lunch in light of that or how
21 you want to handle it.

22 MR. McKINNEY: We're stopping at 3:00.

23 MR. KELLY: I'd forgotten that. Never mind.

24 *(Recess was taken from 12:08 p.m. to 12:57 p.m.)*

12:57 25 *(Jury present)*

12:57 1 THE COURT: Members of the jury, please be seated.

2 Ladies and gentlemen, we haven't discussed it;

3 but I rather think we've all been assuming that we will work

4 next Friday since it would otherwise be a three-day work week

12:57 5 for us. So, if you have a reason you can't, let us know. But

6 that's my proposal.

7 Okay. You may resume, Mr. McKinney.

8 MR. McKINNEY: Please the Court.

9 BY MR. McKINNEY:

12:57 10 Q. Is my calculator up there with you, by any chance?

11 A. Yes, it is.

12 Q. All right. Thanks very much.

13 Before our lunch break, you and I were discussing

14 these calculations that you've run, and you told our jury that

12:57 15 you apply your growth rate to both sides of the calculation,

16 both the Column 6 and the Column 10 side of the calculation.

17 Is that correct?

18 A. Yes.

19 MR. McKINNEY: May I use the chart, please, your

12:58 20 Honor?

21 THE COURT: You may.

22 BY MR. McKINNEY:

23 Q. You've got the calculator there handy. At age 28, you have

24 a Column 6 figure of \$44,528, correct?

12:58 25 A. That is a Column 6 figure, that's correct.

12:58 1 Q. And what's your Column 10 figure?

2 A. It is \$26,932.

3 Q. And you subtract Column 6 from Column 10, correct?

4 A. Yes, that's correct.

12:59 5 Q. And that produces Column 11, does it not?

6 A. Yes, it does.

7 Q. Column 11 is 17,596, correct?

8 A. Yes.

9 Q. And then your growth factor, which is Column 12, is 1.0376,

12:59 10 correct?

11 A. Yes, that's right.

12 Q. And you multiply 1.0376 times \$17,569 and then discount

13 that to present value, correct?

14 A. Yes.

12:59 15 Q. All right. Now, we drop down to, say, age 46, what do

16 you -- and this is for age 27 -- 28, correct?

17 A. I actually cannot see it very clearly. It looks to be 28.

18 Q. All right. If we drop down to age 46 -- which is I believe

19 18 years in the future, correct?

01:00 20 A. Yes.

21 Q. What is your Column 6 number at age 46?

22 A. It is \$68,461.

23 Q. And what's your Column 10 number?

24 A. \$26,932.

01:00 25 Q. Now, it looks like you have the same number at age 46 for

01:00 1 Ms. Jones that you have for her at age 28, when it comes to
2 reducing her economic loss. Is that correct?

3 A. No. It's the same number in Column 10. But when I do the
4 reduction for the present value, the growth factor is applied;
01:01 5 and, so, I can -- by applying the growth factor, it applies to
6 both sides, both the pre-incident and the post-incident side.

7 Q. I understand what you're saying, but that was not the
8 question.

9 The Column 10 number, Ms. Jones' earnings at
01:01 10 age 46, is the same number that you have her making at age 28,
11 correct?

12 A. The column number -- the number in Column 10 is the same at
13 age 26 -- at age 28 and age 46.

14 Q. All right. And what is the Column 11 number at age 46?

01:01 15 A. \$41,529.

16 Q. Now, if Ms. Jones -- and you calculate this as -- this is
17 the beginning number on calculating her economic loss, correct,
18 and coming up with those million-dollar figures, right?

19 A. Well, it's -- what it is, it's just simply the difference
01:02 20 between her earnings after taxes plus benefits in both the
21 non-incident and the pre-incident side. So, it's that number.

22 Q. Follow the question, please.

23 Conceptually, the Column 11 number is the
24 beginning number in calculating a particular year's economic
01:02 25 loss for Ms. Jones. Isn't that correct?

01:02 1 A. No, sir. As I've described before, the beginning number
2 has to do with the non-incident earnings; and I take it all the
3 way through. That's simply -- the 11 column is simply the
4 difference between those two earning screens. It's a part of
01:02 5 the calculation.

6 Q. What's the growth factor that you have at age 46?

7 A. It is 2.0161.

8 Q. And, so, you multiply 2.0161 times \$41,529; and that
9 produces her economic loss in -- at the age of 46 times the
01:03 10 growth rate but yet to be discounted by present value, correct?

11 A. Yes.

12 Q. Now, Column 10 remains constant every year, does it not?

13 A. Column 10 remains constant, that's correct.

14 Q. You're familiar with how algebra works, correct?

01:03 15 A. Yes.

16 Q. And just to illustrate the point, to work with easy
17 numbers, we have \$10 and then we have \$15 and then we have \$20
18 and every year we subtract \$5, we get 5, 10, and 15. Do you
19 see that?

01:04 20 A. Yes.

21 Q. Now, if you multiply the 5, the 10, and the 15 by your
22 growth factors, you're not multiplying the constant. You're
23 only multiplying the difference between the constant and the
24 ever increasing number. Do you see what I am saying?

01:04 25 A. I see what you're saying, but it's incorrect.

01:04 1 Q. You don't agree with that?

2 A. It's incorrect.

3 Q. You take this number right here and you subtract this

4 number and you get this number, correct?

01:04 5 A. That's correct.

6 Q. Then 18 years later, you take a much larger number. Do you

7 see that?

8 A. Yes, I see that.

9 Q. You subtract the same number that you subtracted 18 years

01:04 10 ago?

11 A. Yes.

12 Q. All right. And you get this number right here?

13 A. Yes, that's correct.

14 Q. Which has gotten a lot bigger, as you can see. The -- we

01:05 15 have a 46,000 -- is that 41 or 46? 41,000. We've gone from

16 17,000 to 41,000. That's one year's baseline loss on the

17 economic side, correct?

18 A. That's just simply the difference between the two in that

19 particular year. It's \$41,000 and -- 41,529 at age 46. The

01:05 20 loss at 28 is \$17,596.

21 Q. Okay. The number that you're applying your growth factor

22 to whether, it's in your 28, 46, 55, or what have you, is the

23 delta, or the difference, between the ever increasing Column 6

24 and the ever constant Column 10. Isn't that true?

01:05 25 A. (No response).

01:05 1 Q. We can go through it line by line and do the math; but it
2 works out that way every time, doesn't it?

3 A. Sir, that's not what the growth factor is. I described
4 what the growth factor is.

01:06 5 Q. I'm not talking about the growth factor.

6 A. Well, the answer to your question is, no; it's incorrect.

7 Q. Look at Column 6. It's up on the board.

8 Now, every year, doesn't the number in Column 6
9 get bigger?

01:06 10 A. Yes, sir, it does.

11 Q. And every year doesn't the number in Column 10 stay the
12 same?

13 A. Yes.

14 Q. All right. And, so, if every year you're subtracting the
01:06 15 same number from an ever increasing number, then every year
16 you're going to get a bigger Column 11 number, which is then
17 applied to the growth factor, correct?

18 A. That's exactly what the table shows.

19 Q. All right. And then we have the discount. And the
01:06 20 discount then -- when you apply the growth factor, this number
21 right here gets bigger, correct? It goes up by 2-point
22 whatever percent, correct?

23 A. Well, it actually goes up by -- it's times --

24 Q. You multiplied by 2.

01:07 25 A. Yes.

01:07 1 Q. So, you double it. And this 41,000 becomes -- well, you
2 multiply -- you double it and then you add a discount factor,
3 correct?
4 A. No.

01:07 5 Q. You back out a discount factor?
6 A. No.

7 Q. Sorry. You apply the growth rate and then you back out the
8 discount factor?
9 A. Again, no.

01:07 10 Q. What do you do?
11 A. I multiply it by the discount factor.

12 Q. Back it out, multiply. Okay. So, let's do the math.
13 You multiply 41,529 by essentially 2, correct?
14 A. Right, by the 2.64161.

01:07 15 Q. And then you apply a discount factor of -- and this is a
16 discount factor, which is Column 13, is 39 point -- 39 --
17 .39 -- 3961.
18 And how is that number derived?
19 A. That is just simply 1 over 1 plus the interest rate to the
01:08 20 whatever power. So, if it's 25 years in the future, it's
21 1 over 1 plus -- because the interest rate is 5 percent. So,
22 it's 1 plus .05 to the 15th power.

23 Q. In layperson's terms, the purpose of discounting to present
24 value is you project a dollar 20 years into the future and you
01:08 25 ask yourself how much would you have to invest today to have a

01:08

1 dollar 18 years in the future. Is that correct?

2 A. Yes.

3 Q. Now, how much money are you saying that you would have to
4 invest today to have a dollar in 18 years?

01:09

5 A. Well, the numbers that I have on the table, I would have
6 to -- you're asking for age 46. I can't see it from this table
7 here but --

8 Q. Let me give you a complete copy of your worksheet.

9 A. Okay. So, at age 46 the total loss would be \$41,529.

01:09

10 Q. All right.

11 A. Then the economic value of that, or the amount you would
12 have to put into an account today, would be \$33,166. That
13 would give you the \$41,000 of loss in the future.

14 Q. What is your anticipated rate of return on the \$33,000 to
15 produce \$41,000 in 18 years?

01:10

16 A. Sure. That would be from whatever the T-bill rate was and
17 that -- when I did the report. So, I would have to look at
18 what those numbers are. But those numbers are going to vary
19 between one percent and probably about 5 percent. It's based
20 off the year of maturity, but -- and it's also based on the
21 year of the date of the report.

01:10

22 Q. Well, 5 percent of \$33,000 is how much?

23 A. Let's see. 33,000 --

24 Q. About 1650?

01:10

25 A. It is 1650.

01:10

1 Q. All right. What's 1650 times 18?

2 A. \$29,700.

3 Q. So, at 5 percent, if you invested \$33,000 today, you would
4 have 29,000 in interest plus 33,000 bucks, your principal; and
5 you would come up with \$62,000, correct?

01:11

6 A. I'm sorry, sir. I don't follow that calculation at all.

7 Q. Well, you're talking about investing a sum today, discount
8 to present value, correct? To produce a given number 18 years
9 in the future.

01:11

10 A. Correct.

11 Q. All right. And you're saying -- and you're saying that you
12 would take 33 -- sorry -- yeah, \$33,000.

13 If you invested \$33,000 today, according to your
14 work papers, you would produce \$41,529 in the future, 18 years
15 from now. Is that not what you told us?

01:11

16 A. What I said was that, if you needed to have \$41,529 at
17 age 46, which is 2030, then investment today -- it's equivalent
18 to an investment today of 33,000 -- \$32,166 at the interest
19 rates that were present -- that were current at the date of the
20 report.

01:12

21 Q. And I'm asking you what those interest rates were, and I
22 believe you told me they are between 1 and 5 percent. So, I'm
23 checking your math.

24 If they were 5 percent, your \$33,000 would
25 produce \$29,000 in income, would it not, over an 18-year

01:12

01:12 1 period?

2 We just did the math. We multiplied \$33,000
3 times 5 percent. We came up with \$1,650. We then -- that
4 would be for one year's worth of interest, correct? A
01:12 5 5 percent annualized rate of return produces 1650. Multiply
6 that times 18 years. That's 29,000 bucks.

7 So, if you were getting a 5 percent rate of
8 return and you wanted to have 41,000 in the future, you would
9 need a lot less than 33,000, wouldn't you?

01:13 10 A. Well, by your calculation of 5 percent. But, again, the
11 part that you're missing is you get the interest on the
12 interest.

13 Q. Sure. The number goes up even higher?

14 A. Well, again --

01:13 15 Q. And your principal drops?

16 A. Well, I'm saying -- let me finish the answer.

17 Like I said, the range is going to be between one
18 and 5 percent. I've listed out what the rates were on that
19 day, but they vary. I don't know what the actual rate was.
01:13 20 But \$31,166 is what you would need to have the income to meet
21 the \$41,529.

22 Q. Well, given that you're a PhD in economics and that you
23 have a calculator there in front of you, why don't you tell us
24 what rate of return -- on an annualized rate of interest,
01:14 25 steady rate of interest, if you invest \$33,166 today and you

01:14 1 leave it invested at the same rate of interest for 18 years and
2 you wind up with \$41,529, per your work papers, what's our
3 effective rate of interest? Can you do the calculation and
4 tell us?

01:14 5 A. No, I couldn't do it with this calculator as we sit here.

6 Q. So, you don't know what the effective rate of return is on
7 the numbers you're telling our jury are a valid calculation of
8 future economic loss?

9 A. No. What I am saying is I can't sit here and calculate
01:14 10 those numbers, because those aren't numbers that are calculated
11 in these types of calculations. I mean, what I do is I ask,
12 "What do you need today to replace that income in the future?"

13 I look at the interest rates and what they were
14 and that's -- that's what it is. I mean, there's nothing else
01:15 15 I can do. I don't have the Excel spreadsheet and the computer
16 program that I use to perform those here in the stand.

17 Q. Well, you don't know what rate of return you need over a
18 constant 18-year period to invest \$33,000 today and produce
19 41,000 eighteen years from now?

01:15 20 A. No, sir. Those are the kind of questions I give to my
21 students, and I let them go home and do them at home and come
22 back to me with homework. I can't do that as we sit here.

23 Q. Well, but you prepared an expert report.

24 MR. MCKINNEY: Let's throw Line 46, age 46, up on the
01:15 25 board.

01:15 1 MR. ESTEFAN: From which table are you working?

2 MR. McKINNEY: Scenario 1.

3 MR. ESTEFAN: All right. Just wanted to be sure.

4 MR. McKINNEY: Page 1, Line 46. Yeah, I need the

01:16 5 whole thing up. It's horizontal.

6 Is that as big as it gets?

7 Actually, I need the -- can you get me the

8 Columns 11 through 14 and, then, on Line 46 -- age 46.

9 Sorry about this, folks.

01:17 10 There we go.

11 BY MR. McKINNEY:

12 Q. You see the 33,000-dollar figure?

13 A. Yes, I see it.

14 Q. And you're telling our jury that, if that number, that

01:17 15 amount of money, was put in an investment vehicle today, it

16 would produce the 41,000-dollar figure we see to the left,

17 correct?

18 A. Yes. The \$33,000 -- \$33,166 represents the present value,

19 taking into account the growth factor and the interest rates

01:18 20 that were current as of the date of the report. That's what

21 you would -- that's the present day value of that \$41,529.

22 Q. But what you can't tell our jury, apparently, is what rate

23 of interest the \$33,000 is being invested at to produce the

24 \$41,000 in 18 years, correct?

01:18 25 A. Exactly. I can't tell you the exact number as I sit here,

01:18 1 because I do all this on a spreadsheet.

2 But as I mentioned in the report, the data that's
3 used is the T-bill rates for that date. So, those rates vary.
4 And, so, based off of those rates, you get whatever the
01:18 5 interest rate is for that day. But I can't figure that out as
6 I sit here.

7 Q. Well, you said you don't know the exact rate of interest.
8 Do you know the approximate rate of interest?

9 A. Yes, sir. As I said, on that date I believe the interest
01:18 10 rates were between 1 and pretty close to 5 percent, I believe.

11 Q. Well, that's an interest swing, isn't it?

12 A. Not really, sir. That just represents the yield curve.
13 And the -- in the earlier time periods, you have -- they pay
14 less. And then, in the later time periods, they pay more. And
01:19 15 then in the intermediate periods, they tend to pay less. So,
16 it's what you see with most yield curves.

17 Q. Well, one percent interest, what's one percent of \$33,000?

18 It's 330, correct?

19 A. Yes.

01:19 20 Q. And what's \$330 times 18 years?

21 A. It is \$5,940.

22 Q. Okay. And what is -- add that number to 33,186 -- or 66,
23 whatever that number is. I have -- oh, I got it right here --
24 166.

01:19 25 A. \$39,106.

01:19 1 Q. Okay. So, just kind of eyeballing our situation, it looks
2 like your annualized rate of return on the \$33,000 is at about
3 1.2 or 1.3 percent over the 18-year period, correct?

4 A. Eyeballing it based off of that, I mean, you would --
01:20 5 actually, you have to add the inflation to that, right? So, if
6 you --

7 Q. Well --

8 A. Sorry, I have to finish the answer.

9 That would not be the correct answer, because
01:20 10 what that is, that's a real rate that you just -- that we just
11 discounted by. That 1.6 is after inflation. So, you would --
12 you'd add the 3 percent. That means that the real rate of
13 return on that investment would be 4.6 percent. And, so, those
14 two things go hand in hand, which is why I can't sit here on
01:20 15 the fly and produce these numbers.

16 Q. Well, you've factored in inflation by adding the growth
17 factor of 2.01, correct?

18 A. Well, sir, that's how inflation is captured in the earnings
19 projections. But --

01:21 20 Q. I understand.

21 A. But in the interest rate calculation, that's a separate
22 calculation. So, if we're talking real dollars, then you have
23 to subtract inflation from those -- from the rates. If you're
24 talking nominal dollars, then you leave the inflation in. And,
01:21 25 so, that's a separate issue completely.

01:21 1 Q. Well, if you've told us we need 33,000 today to get 41,000
2 in 18 years, those are 33,000 real dollars today, correct?

3 A. And -- right, those are 33 real dollars, after inflation
4 dollars, that's right. Those are real dollars.

01:21 5 Q. All right. And you're going to produce 41,000 in real
6 dollars 18 years from now, correct?

7 A. In 18 years from now, I'm going to have \$41,000 that are --
8 \$41,000. And then I have to take that and account for
9 inflation; and that's done in Column 12, the growth factor.

01:22 10 So, that accounts for that inflation.

11 Q. Well, what number are we trying to produce -- well, maybe I
12 can figure it out.

13 If it turns out that what you're saying to our
14 jury is that the rate of return you are anticipating on the
01:23 15 present value of dollars is somewhere in the 1.2 or 1.3 percent
16 rate over an 18-year period, wouldn't you agree that that is a
17 very low rate of return, an unreasonably low rate of return
18 over an 18-year period?

19 A. Absolutely not. If that represents a real return, then
01:23 20 that's about what you would expect on average. The average
21 rate of real return is around 2 percent. That is, when you
22 account for inflation, you add inflation onto it, which those
23 are the rates you actually see in the banks. That may be
24 around 4 or 5 percent.

01:23 25 I mean, all you have to do is look at the yield

01:23 1 curve as we sit here. And interest rates are really, really
2 low. In fact, in some of the earlier periods, it was basically
3 zero. I mean, there was no discounting at all. Interest rates
4 are still at a very, very low point.

01:24 5 Q. Are there not other investment vehicles available to people
6 with competent financial managers, where they can markedly
7 improve on the short-term T-bill rate of return?

8 A. There are, sir; but none of those are relative to this type
9 of calculation. In this type of calculation, you want to look
01:24 10 at a risk-free rate of return. I don't want to make the
11 assumption that Ms. Jones would have to go out -- or be able to
12 become an investor in the stock market and be able to time the
13 market.

14 So, the idea is, with a risk-free investment in
01:24 15 T-bills -- and that's basically the only thing that's out there
16 that's completely risk free -- what would be the rate of
17 return. And that's -- in real terms, it would be around that 1
18 or 2 percent level.

19 Q. Your view of the future is that Treasury bills,
01:24 20 particularly long-term Treasury bills, the United States debt,
21 is risk free?

22 A. I'm sorry. That's just a conventional view in economics,
23 that the risk free -- the least risky vehicle out there is US
24 Government debt. I mean, there's nothing else out there that's
01:25 25 safer.

01:25 1 Q. Most investors use money managers and invest prudently with
2 a balanced portfolio and achieve substantially greater than 1
3 or 2 rate of return.

4 THE COURT: I really don't think we need to argue
01:25 5 about this. He's talking about what the conventional view is
6 in the field of economics. It's risk free. That's what you
7 get.

8 MR. McKINNEY: Judge, I'll pass the witness. I would
9 offer, for the purposes of my record only, B256 in connection
01:25 10 with the proceedings outside the jury.

11 THE COURT: Okay.

12 Mr. Hedges.

13 **CROSS-EXAMINATION**

14 BY MR. HEDGES:

01:25 15 Q. For better or worse, Dr. Steward, I don't do math. So, I'm
16 just going to ask you a couple of questions.

17 I understand Mr. King did certain work and you
18 did different work than what he did, some of your work is based
19 on his work. Is that an accurate description?

01:26 20 A. Yes, sir, that's fine.

21 Q. And, so, you don't have an opinion, sitting here today, one
22 way or the other, as to whether Ms. Jones is, in fact, capable
23 of going back to do full-time IT work?

24 A. That's correct. I don't have a separate opinion
01:26 25 regarding --

01:26 1 Q. That was Mr. King?

2 A. Yes, sir.

3 Q. I want to follow up on a question that the judge asked you
4 and see if I -- I probably understood you incorrectly. So, I
01:26 5 want to ask this.

6 You're looking at the future earnings streams and
7 projected earnings streams in the IT field for people with
8 Master's degrees. Is that correct?

9 A. That is partially correct that -- I actually look at it
01:26 10 under several different scenarios. I look at people in the IT
11 field with high school, Associate, Bachelor's, and Master's. I
12 do all four.

13 Q. Okay. I just want to focus for right now on the Master's.
14 One of your charts is for people for the next X years with
01:26 15 Master's degrees in the IT field. Is that correct?

16 A. Yes, sir.

17 Q. And what I think I must have heard wrong was -- I believe
18 the judge asked you if it made any difference, A, where they
19 got their degrees and, B, what the degrees were in. And I
01:27 20 thought you said, for the purposes of this chart and this
21 calculation, it didn't make any difference.

22 A. No. I would like to think I said that it's really going to
23 depend. I mean, in here, I think, in IT, where there's a
24 demand, a pretty strong demand, it's probably going to be a
01:27 25 smaller premium than in other fields. I mean, and again, it's

01:27 1 going to depend on the job. If you're looking at a computer
2 programmer, then it may not hurt to have a computer programming
3 background. But if you're looking at a person who's a tech
4 writer, who's going to write the books, the manuals, then
01:27 5 they're going to potentially look at someone with an English
6 degree over someone who was a computer degree.

7 Q. I remember that testimony. Let me ask you this. Sort of
8 across the IT field, does your chart treat the same a person
9 with a Bachelor's degree in computer science from Rice, a
01:28 10 Master's degree in computer science from Rice, with another
11 person who has a Bachelor's degree in criminal justice from an
12 online program of the American Military University and a
13 Master's degree in business administration from an online
14 course at American Military University?

01:28 15 A. I don't know the answer to that. I mean, I would have to
16 look at the raw data. Because, again, like I said before, it
17 does not have where they got their degree from. And,
18 obviously, online courses are a lot more popular now.

19 But in that data, they don't differentiate in
01:28 20 terms of if they got it online or not. But -- so, I guess the
21 answer to that is I don't know as we sit here if I can
22 distinguish -- I know I can't distinguish it with the data that
23 I've got.

24 Q. Let me ask you your own personal opinion. Would you value
01:28 25 someone in the IT field's future earning capacity the same if

01:29 1 that person had a Bachelor's and a Master's from Rice in
2 computer science versus somebody with a Bachelor's in criminal
3 justice and a Master's in business administration from American
4 Military University online?

01:29 5 A. I would definitely look at each of the cases. I'm not -- I
6 wouldn't say that I would get to different points, but I would
7 definitely look at what they majored in at Rice. I would look
8 at what they majored in at American University. I'm familiar
9 with it through ROTC. I know people have gone through it.

01:29 10 So, I mean, I would look at it. I would look at
11 it, but I don't know at what point I would get to, if I would
12 value it differently or not. I don't know.

13 Q. I just told you what the degrees were in. The one from
14 Rice is in computer science. The degrees from the American
01:29 15 Military University online are criminal justice and business
16 administration.

17 A. Yes, but my answer is still the same. I need to know more
18 about -- I mean, just because you go to Rice and you take the
19 courses there, I mean, how well did you do in the courses, were
01:30 20 there applied courses, were they more in line to go to graduate
21 school. And that's one of the things that comes out a lot in
22 these programs, is that you'll have some that are more
23 theoretically focused and that's of interest to employers.

24 And you'll have other schools that are more
01:30 25 focused on the technical aspect of it, and they can go to work

01:30 1 the next day. And, so, it's not as simple as simply looking at
2 the degree and where they got it from.

3 MR. HEDGES: Pass the witness, your Honor.

4 THE COURT: Any redirect?

01:30 5 MR. ESTEFAN: Your Honor, all the plaintiff would
6 offer is the tables that Dr. Steward testified from.

7 THE COURT: Very well.

8 MR. ESTEFAN: I provided copies.

9 THE COURT: What number are they going to be?

01:30 10 MR. ESTEFAN: Our next number. I lost track.

11 THE COURT: Okay. You may step down. You're free to
12 go. Thank you very much, Doctor.

13 MR. ESTEFAN: It will be 84, your Honor.

14 THE COURT: Okay.

01:30 15 MR. KELLY: Dawn Nelson, your Honor.

16 Are those admitted?

17 THE COURT: Those are admitted without objection, yes,
18 they are.

19 *(Witness being summoned to the stand)*

01:31 20 Ms. Nelson, good afternoon. We're going to have
21 you up here. Perhaps could we remove the one report that's up
22 here?

23 We're going to have you up here in the seat
24 nearest me. If you could, please -- before you take your seat,
01:31 25 Mrs. Loewe will administer the oath. Raise your right hand,

01:31 1 please.

2 THE CASE MANAGER: Do you solemnly swear the testimony
3 you're about to give in the matter now before the Court will be
4 the truth, the whole truth, and nothing but the truth?

01:31 5 THE WITNESS: I do.

6 THE COURT: Try to make yourself as comfortable as you
7 can. It's not a great perch, but we need to ask you to speak
8 directly into the mic. We've had a little trouble at this
9 trial. Thank you very much.

01:31 10 You may inquire.

11 MR. KELLY: Thank you, your Honor.

12 **DAWN NELSON, DULY SWORN, TESTIFIED:**

13 **DIRECT EXAMINATION**

14 BY MR. KELLY:

01:31 15 Q. Please introduce yourself to the ladies and gentlemen of
16 the jury.

17 A. My name is Dawn Nelson. I'm a licensed clinical social
18 worker, and I'm Jamie's therapist.

19 Q. Can you tell me a little bit about your education and
01:32 20 training, Ms. Nelson?

21 A. Yes, sir. I have a Master's of social work from the
22 University of Houston, and I'm a clinical practitioner.

23 Q. How long have you been a clinical practitioner?

24 A. You can sit for the exam three years after being in
01:32 25 practice and being supervised. So, that has been for

01:32 1 approximately 12 years.

2 Q. And what does it mean to be a clinical practitioner?

3 A. It means that you can make a diagnosis, you can treat, you
4 can assess clients and build a treatment plan and work with
01:32 5 them individually.

6 Q. And have you, in fact, done all of those things with
7 respect to your treatment of Jamie Leigh Jones?

8 A. Yes, sir.

9 Q. Where have you treated Jamie, physically?

01:32 10 A. In my office.

11 Q. Okay. And where is your office?

12 A. Well, I have moved a couple of times during the course of
13 treatment.

14 Q. All right. And currently you're located where?

01:33 15 A. 701 North Post Oak Road in Houston.

16 Q. And prior to that?

17 A. 730 North Post Oak Road in Houston.

18 Q. Where was the office you were located in when Jamie
19 returned from San Diego?

01:33 20 A. 730 North Post Oak Road.

21 Q. Can you describe that building for us?

22 A. It is a steel and concrete building, about four stories
23 high, small building.

24 Q. Where was your office in that building?

01:33 25 A. In Suite 350.

01:33 1 Q. How many practitioners were in there with you?

2 A. Three together, all of us, three.

3 Q. I want to ask you a little bit about post-traumatic stress
4 disorder. First of all, what is it?

01:33 5 A. Do you want me to give you the clinical criteria?

6 Q. Actually, I would. And I know we -- we had an opportunity
7 to speak about this, did we not?

8 A. Yes.

9 Q. And would it help to diagram it out and show us what the
01:34 10 clinical criteria are?

11 A. I'll be happy to do it. It will take some time.

12 MR. KELLY: May I approach, your Honor?

13 THE COURT: You may approach.

14 BY MR. KELLY:

01:34 15 Q. There used to be a marker up here, I promise.

16 THE COURT: We can find you one.

17 MR. McKINNEY: I'm sorry.

18 BY MR. KELLY:

19 Q. You're already started. So, thank you. I was going to say
01:34 20 if you could tell us a little bit about --

21 A. First of all, the person --

22 THE WITNESS: I don't know. Can you hear me?

23 THE COURT: It's going to be a little bit of a
24 problem.

01:34 25 Yeah, why don't you just disconnect that. Tap on

01:34 1 it. Yeah, it's working.

2 A. A person has to meet certain criteria to be diagnosed with
3 the disorder. They have to be exposed to a traumatic event.
4 The traumatic event has to involve either real or threatened
01:35 5 death, serious injury or -- what word am I looking for -- a
6 threat to the physical -- to your physical integrity, of
7 yourself or someone else, and that exposure has to involve a
8 response of fear, helplessness, or horror. So, both of those
9 criteria have to be met.

01:35 10 Other criteria that has to be met is that a
11 person has to reexperience the trauma or aspects of the trauma.
12 Reexperiencing them through recurrent, intrusive, distressing
13 thoughts of it, recurrent through nightmares, reoccurring
14 through -- or reexperiencing through flashbacks, having an
01:36 15 intense psychological and physiological response to being
16 exposed to a cue that is reminiscent or represents the trauma.
17 So, that has to be present, the reexperiencing piece.

18 So, a person has to have both of these criteria.
19 They have to have one of those things that I just mentioned in
01:36 20 terms of reoccurring distressing thoughts, nightmares,
21 flashbacks, the intense physiological response or the intense
22 psychological response to being exposed to cues.

23 They also have to have avoidant or numbing
24 behaviors; and that includes -- that includes efforts to avoid
01:37 25 conversations, thoughts, feelings that are associated with the

01:37 1 trauma; efforts to avoid people, places, and situations that
2 represent the trauma; an inability to recall an important
3 aspect of the trauma; a markedly diminished interest in
4 activities; a sense of being detached or estranged from other
01:38 5 people, like, "I'm different now than other people."

6 A restricted range of affect, which means
7 noticeable mood that you could tell from looking at someone's
8 face or their appearance. A sense of a foreshortened future,
9 meaning that there's a sense of, "I'm not going to have the
01:38 10 same life I would have had," something along those lines.

11 Also, symptoms of what's called hyperarousal.
12 Hyperarousal symptoms would be difficulty falling or staying
13 asleep, irritability, difficulty concentrating, hypervigilance,
14 which is kind of always looking around, waiting for the other
01:39 15 shoe to drop, waiting for something bad to happen. And an
16 exaggerated startle response, meaning if you round the corner
17 and somebody comes around the corner at the same time you do,
18 you might just go like that. Someone with this disorder might
19 scream, might become very frightened.

01:39 20 So, those things -- you have to have some of
21 those symptoms. In this case you have to have two of
22 hyperarousal. You also have to have the symptoms present for
23 four weeks or longer.

24 And the last criteria is that it has to cause
01:40 25 significant impairment in your functioning, either social,

01:40 1 occupational functioning, or some other area of important
2 functioning. So, those are the clinical criteria for
3 post-traumatic stress disorder.

4 Q. Thank you, Ms. Nelson.

01:40 5 How long have you treated Jamie Leigh Jones?

6 THE WITNESS: I can use this one now?

7 THE COURT: Yes, you may.

8 MR. KELLY: Yes, you can. Here, I'll come get it.

9 A. Since August 22nd of 2005 until approximately February,
01:40 10 March of '07, when she went to San Diego. And then when she
11 returned back to Houston again, which would have been fall of
12 '09, until now.

13 BY MR. KELLY:

14 Q. I want to ask you about the exposure. And can you tell me,
01:41 15 with respect to exposure, what you found with Ms. Jones?

16 A. Yes. She had been exposed to a traumatic event.

17 Q. And there's -- can you be exposed to a traumatic event
18 while you are unconscious?

19 A. Yes.

01:41 20 Q. Okay. Can you explain how that is?

21 A. Can I explain how that is in this case?

22 Q. Yes, specifically in this case.

23 A. There was exposure that happened -- there were events that
24 led up to this event that she has reported to me and events
01:41 25 that happened after this event and there was fear,

01:41 1 helplessness, and horror that was a response to learning about
2 what had happened when she was drugged.

3 Q. So, the fear, helplessness, and horror, you said she needed
4 two of those?

01:42 5 A. She needs to have had exposure and have had either fear,
6 helplessness, or horror as a response.

7 Q. Okay. How many of those did she have?

8 A. All three.

9 Q. So, she had all three when she needed two?

01:42 10 A. No. You're getting those --

11 Q. I'm sorry. I'm sorry. So, she needed all three of these?

12 A. A person has to have exposure and the response out of
13 either fear, helplessness, or horror; and they can have one or
14 two or three of those.

01:42 15 Q. I see. Have I totally messed up your chart now?

16 A. Not really.

17 Q. Okay.

18 A. Exposure and that response, fear, helplessness, or horror,
19 has to be met. Those two criteria were met.

01:42 20 Q. I see. So, she had to have both of these?

21 A. Yes.

22 Q. And she had them?

23 A. Yes.

24 Q. Okay. You're going to have to help me along a lot here.

01:42 25 I'm sorry, Dawn.

01:42 1 What did you mean when you said "experience"?

2 A. Reexperiencing the trauma through a number of different

3 ways. She had the intrusive distressing thoughts of the

4 trauma, meaning that thoughts come into your mind when you

01:43 5 would like to be thinking about something else and you start

6 getting them when you -- excuse me -- don't want them.

7 Sometimes you're preoccupied with them. Particularly right

8 after a trauma, it's not uncommon for people to be kind of

9 hyper-focused and get a lot of distressing thoughts.

01:43 10 Q. Okay. She had that one?

11 A. Yes.

12 Q. What else?

13 A. Nightmares. She had flashbacks, which are images or

14 perceptions of the trauma happening.

01:43 15 Q. Anything else?

16 A. She had the intense psychological and physiological

17 response to cues.

18 Q. So, she had four findings there?

19 A. I think it was five.

01:43 20 Q. Okay. Was there another one I didn't ask you about?

21 A. Actually, the last two, I put together. They're actually

22 separate, physiological and psychological.

23 Q. I see. So, she had five findings under the reexperiencing?

24 A. Yes.

01:44 25 Q. And what about the avoidance or numbing behaviors, did you

01:44 1 find any of those?

2 A. Yes.

3 Q. What do you find there?

4 A. Inability to fall and stay asleep has been an ongoing
01:44 5 problem since the beginning.

6 Excuse me. I think I've got that confused with
7 hyperarousal. Oh, no.

8 The avoidant piece, efforts to avoid thoughts,
9 feelings, and conversations about the trauma, that certainly
01:44 10 was present. Efforts to avoid people, places, and situations
11 that remind you of the trauma, yes, that's present.

12 Q. Okay. So, she had -- I'm sorry.

13 Please, I don't mean to cut you off.

14 A. The inability to recall important aspect of the trauma, I
01:44 15 attributed that more to being drugged, not being able to
16 remember particular aspects of it.

17 Q. Okay.

18 A. Markedly diminished interest in activities, she had that in
19 the beginning. A sense of detachment or estrangement from
01:45 20 other people, yes, she had that.

21 Restricted range of affect, she had that. And a
22 foreshortened sense of the future, that -- I would say for a
23 small period of time. That got resolved.

24 Q. That one was resolved?

01:45 25 A. That resolved.

01:45 1 Q. So, as we're sitting here today, if I counted right, that
2 was seven of the avoidant/numbing symptoms?
3 A. I didn't count them, but I think there's seven.
4 Q. Okay. And, so, she's -- one of them is self corrected.
01:45 5 And, so, now she has six. Is that --
6 A. I'm saying at the time of the diagnosis she had --
7 Q. She had seven?
8 A. She had the ones I just named off.
9 Q. Okay. What about the hyperarousal?
01:46 10 A. Hyperarousal, she had and continues to have difficulty
11 falling and staying asleep. Certainly had irritability in the
12 beginning. Difficulty concentrating, I think that was present
13 in the beginning; but I think she's done well with that.
14 Hypervigilance is still a problem. It was a
01:46 15 problem from the beginning, and it's still a problem.
16 Exaggerated startle response she still has.
17 Q. Okay. I counted four that you just told me. Is that
18 right?
19 A. I didn't count them.
01:46 20 Q. Okay. Fair to say that she had at least the two that she
21 would need for -- under hyperarousal?
22 A. Yes.
23 Q. Okay. I'll say two plus, just so that we're not being
24 misleading at all.
01:47 25 Has she had these symptoms in excess of four

01:47

1 weeks?

2 A. Yes.

3 Q. And has it affected her functioning?

4 A. Yes.

01:47

5 Q. Where do these criteria come from, Ms. Nelson?

6 A. They come from the DSM, which is the Diagnostic and
7 Statistical Manual that all mental health professionals use.8 Q. And I think you said it is normal in your practice to make
9 the diagnosis of your patients. Is that right?

01:47

10 A. My clients, yes.

11 Q. Your clients. I'm sorry.

12 And have you, in fact, made the diagnosis of
13 post-traumatic stress disorder in Jamie Leigh Jones?

14 A. Yes, sir.

01:47

15 Q. Is it important when assessing a patient to have a
16 perspective of that -- I think you said "client." I used the
17 word "patient." I apologize.18 Is it important when assessing a client to have a
19 perspective of that client over time?

01:48

20 A. Important to what?

21 THE COURT: To the treatment program, is that what you
22 are talking about?23 MR. KELLY: Yes, your Honor. I didn't ask it very
24 well. I'll see if I can phrase it a better way.

01:48

25 THE COURT: Okay.

01:48 1 BY MR. KELLY:

2 Q. Ms. Nelson, there will be likely another expert that will
3 be called in this case to come in and say that Jamie does not
4 suffer from post-traumatic stress disorder. Does the length of
01:48 5 time that you've treated Jamie have any bearing upon the
6 strength that we should give your opinion?

7 A. Yes.

8 Q. Can you explain that, please?

9 A. Yes. I've seen her and treated her over the course of six
01:48 10 years, with the two years that I mentioned that she was not
11 living in Houston, I did not see her during that time.

12 Q. And why is the length of time over which you treat somebody
13 an important factor in making an accurate assessment of them?

14 A. Well, you see what's happening with them throughout the
01:49 15 picture, throughout time. Often we don't see people for that
16 length of time. So, I've had the opportunity to see her over
17 the course of many weeks and months, during times that, you
18 know, other things in life have come up and seen her reactions
19 and how she's dealing with things.

01:49 20 Q. How often does Jamie treat with you currently?

21 A. About twice a month.

22 Q. And has that been consistent over the years or has that
23 changed?

24 A. It's changed. In the beginning it was at least once a week
01:49 25 and sometimes twice a week in the beginning.

01:49 1 Q. Can you explain the concept of "resilience" versus
2 "recovery"?

3 A. Yes. Clinically, when you look at these criteria that
4 we're discussing, we're looking for treatment to produce a
01:50 5 reduction of symptoms. And some -- some clients, some people
6 who have post-traumatic stress disorder never fully recover
7 from it. Some do with -- they go into remission and have
8 isolated times that it pops back up again in life. Some people
9 don't recover at all from it.

01:50 10 Resilience is about something different.
11 Resilience is about in spite of having a clinical disorder that
12 causes significant impairment, what do people do with their
13 lives. Resilience is about doing the best that you can do
14 given the fact that you're still experiencing these symptoms.

01:51 15 Q. With respect to your treatment -- and in particular of
16 Jamie Leigh Jones -- have you done anything to try to assist
17 her with the various factors that you've listed on the chart
18 there as far as the criteria for post-traumatic stress
19 disorder?

01:51 20 A. Yes.

21 Q. And can you tell me what your treatment entails and what it
22 is that you're trying to accomplish by that treatment?

23 A. Okay.

24 Q. And we can -- I know we -- we'll break it down as we go,
01:51 25 but if you can just start us.

01:51 1 A. Oh, okay. It's kind of two pronged. It's addressing
2 symptoms of post-traumatic stress and looking to reduce those
3 symptoms and dealing with life that's happening right now,
4 stressors that are coming up, real-life situations that are
01:51 5 coming up while you're addressing these other things and
6 dealing with them.

7 Q. What sort -- I'm sorry. I cut you off.

8 A. Specifically I was going to go back and talk about the
9 reduction of symptoms. There are a number of different
01:52 10 techniques that we used in treatment that are called "cognitive
11 behavioral therapy." It's an evidence-based practice, and it
12 is the treatment of choice for post-traumatic stress. It's
13 shown to be the most effective through research.

14 Q. Can a person look calm and passive and still have problems
01:52 15 with post-traumatic stress disorder?

16 A. Yes.

17 Q. Why is that so?

18 A. Well, any of us can have a feeling on the inside and not
19 being able to be read from the outside readily from others.
01:52 20 Post-traumatic stress involves -- maybe you should rephrase
21 that.

22 Q. Well, let me just ask you. We've all heard of a specific
23 event that occurred on August the 15th of 2005, less than three
24 weeks after Jamie's assault, where she's noted as being calm or
01:53 25 passive in her physician's office. And I think you've told us

01:53 1 that she was hypervigilant?

2 A. Yes.

3 Q. How do those things -- how is that possible to be both?

4 A. Well, hypervigilant is different than being --

01:53 5 hypervigilant would only be read probably -- or known by people
6 very close to you over a period of time. And it would have
7 more to do with the individual's experience than it would be of
8 anything that you could readily assess or notice from looking
9 at the person.

01:53 10 Q. Does Jamie, in fact, suffer hypervigilance even today?

11 A. Yes.

12 Q. Okay. Does someone with post-traumatic stress disorder
13 exhibit extreme emotional responses to various stimuli?

14 A. They can, yes.

01:54 15 Q. Does Jamie?

16 A. I'm thinking what -- what I recall and what I've witnessed.
17 I guess it depends on what we're talking about.

18 Q. Okay. Do you recall any specific instances yourself?

19 A. Not any off of the top of my head, but are you talking
01:54 20 about heightened emotionality?

21 Q. Yes.

22 A. Yes, that would be consistent.

23 Q. Okay. Tell me about some of the techniques that you have
24 suggested to Jamie to cope with the post-traumatic stress
01:54 25 disorder.

01:54 1 A. Well, there are a number of different pieces of the
2 treatment plan that we've used. One is called desensitization
3 exposure therapy where it's not something we can do right up
4 front sometimes. And everybody is different. So, the course
01:55 5 of treatment is different with every individual with
6 post-traumatic stress. We have to start where our clients are.

7 So, depending on their sense of safety and how
8 they can tolerate talking about the event, it may take a very
9 long time in treatment to cover all of that. In fact, at first
01:55 10 when she first came to see me, the -- my biggest job, once we
11 got to treatment, was to build rapport and trust with her. And
12 that took a very long period of time in comparison to working
13 with people with other diagnoses. So, that took a long period
14 of time.

01:55 15 Then we began using desensitization and exposure
16 therapy, where we'd start talking about the trauma in small,
17 little pieces, as much as she could tolerate each time we met.
18 That's one prong of treatment.

19 Q. So, does that mean when you first met with Jamie, she
01:56 20 couldn't even talk about the event? Is that what I am hearing
21 you say?

22 A. She could talk about it; but it was very, very difficult
23 and there would be times where she would get to a certain point
24 she wouldn't want to talk about it anymore because she was both
01:56 25 visibly shaken and upset. And that was certainly, I would say,

01:56 1 about the first several months of treatment.

2 Q. Are there coping techniques that you recommend to your
3 clients to deal with the initial aftermath, things such as
4 journaling and those sorts of things?

01:56 5 A. Yes. Can I go back to my answer for the previous question?

6 Q. Any time you want to.

7 A. Because I didn't really complete that.

8 Q. I'm sorry.

9 A. You asked me about treatment.

01:56 10 Q. Thank you.

11 A. Another piece of that treatment was cognitive behavioral
12 processing, "processing" meaning talking about the event,
13 looking at feelings, thoughts, different ways that things can
14 be thought of so they're not so traumatizing. Weighing
01:57 15 information to say is it happening right here, right now, that
16 kind of thing. Because a lot of times in post-traumatic
17 stress, people will relive the event as if it's happening right
18 now. So, we have to call attention to the fact that was this
19 date how many weeks ago, how many months ago, what's happening
01:57 20 right here, right now.

21 We did use some hypnotherapy in her treatment. I
22 used assertiveness training, stress inoculation, relaxation
23 training, problem solving. Those are more of the pieces that
24 had to deal with dealing with the trauma. And then the problem
01:58 25 solving and -- mostly the problem solving had to deal with

01:58 1 what's going on right here, right now, how are we going to deal
2 with the things that are happening to you today, struggles that
3 come up.

4 Q. Tell us what stress inoculation training is.

01:58 5 A. It is about decreasing stress and having a game plan for
6 stress, recognizing how stress happens, what you can do about
7 it.

8 Q. And what is assertiveness training?

9 A. Assertiveness training is about your choice about how to
01:58 10 respond to any given situation. And it's about standing up for
11 your rights -- standing up for your rights, asking to have your
12 needs met while respecting the rights of other people.

13 Q. And you trained her with the assertiveness training?

14 A. Yes.

01:59 15 Q. So I guess we actually owe you a debt of gratitude for
16 teaching Jamie to push us all to the point where we're sitting
17 in front of this jury, don't we?

18 What about hypnotherapy?

19 A. The hypnotherapy that we did was to reduce symptoms and
01:59 20 reduce the intensity of the emotion and the trauma. I'm not --
21 I'm trained as a clinical hypnotherapist. I'm not trained as a
22 forensic hypnotherapist. The only people in Texas who are
23 trained like that are police officers, law enforcement people.
24 So, for -- we did this with the purpose of reducing symptoms,
01:59 25 not to gather information.

01:59

1 Q. And have you been successful with being able to reduce
2 Jamie's symptoms?

02:00

3 A. Yes, to a certain extent. With some others -- there are
4 some that are present, maybe not as intense as they once were;
5 however, they're still present.

6 Q. Is part of the treatment in the initial phase, Ms. Nelson,
7 to allow them to emote --

8 A. Yes.

9 Q. To allow them to get this -- how do they do that?

02:00

10 A. Well, through processing, certainly through the
11 hypnotherapy process that we did. It was also a very emotional
12 process.

13 Q. Do some of your clients journal?

14 A. Some of them do.

02:00

15 Q. Okay. Did Jamie discover, as part of the emoting that she
16 had, a particular talent that she didn't know about before this
17 attack?

18 A. She did.

19 Q. What is that?

02:00

20 A. She discovered that she was actually a quite gifted artist.

21 Q. And what his her method or her --

22 THE COURT: Métier?

23 MR. KELLY: That word is above me, your Honor. I'm
24 looking for a word that's escaping me, but I'll go with that.

02:01

25 THE COURT: All right.

02:01

1 BY MR. KELLY:

2 Q. What is her mechanism? What is her format?

3 A. Painting.

4 Q. Painting. Okay.

02:01

5 THE COURT: Abstract or representation?

6 THE WITNESS: Representation. I don't know if she
7 does abstract or not. I've seen -- she's shown me pictures
8 that she's done of real life and of people.

9 BY MR. KELLY:

02:01

10 Q. Are there other things that are used in treatment to
11 distract your clients from the situation that they are
12 suffering from? Have I asked a really bad question?

13 A. Well, my answer is: Yes, but I don't know what you're
14 asking beyond that.

02:01

15 Q. Okay. Is it important that your patients become distracted
16 by concentrating on other things?

17 A. Was it important in this case?

18 Q. Yes.

19 A. Yes.

02:02

20 Q. Okay. And, first of all, why was it important?

21 A. Well, when someone has intense, distressing, intrusive
22 thoughts, if you allow yourself to stay focused on those, they
23 can kind of take on a life of their own. So, there are times
24 you have to practice getting away from it.

02:02

25 And it's a practice. It -- you know, it doesn't

02:02 1 come naturally for most people. They have to learn how to do
2 it. They have to learn how to stop those thoughts and take
3 concentration and move it someplace else, often through reading
4 with comprehension. So, when you read something, you know what
02:02 5 you're reading, you can shut the page after, you know, reading
6 one page and give me the gist of what was on that page.

7 There are a number of other techniques to bring
8 yourself back into the here and now instead of get, what we
9 call, "in your head."

02:03 10 Q. And in Jamie's case, was her painting a part of that
11 distraction by concentration?

12 A. Yes.

13 Q. Did she have any other distractions by concentration that
14 you're aware of?

02:03 15 A. Yes.

16 Q. What did she have?

17 A. Well, she earned an undergraduate and an MBA during this
18 time period; and that required studying and concentration.

19 Q. Now, there's been some testimony about the fact that she
02:03 20 earned those degrees online. Do you know why she earned her
21 degrees online?

22 A. Yes.

23 Q. Why?

24 A. Well, one of the things that she avoids is going to places
02:03 25 with unknown or unfamiliar males. So, a college campus would

02:03 1 represent having unknown males.

2 Q. And are there any other distractions of her concentration
3 in your life -- in her life that you're aware of?

4 A. Well, certainly studying for the two degrees and artwork.
02:04 5 She also -- from her -- from my understanding in her report is
6 that she enjoyed physical exercise before this trauma. And I
7 encouraged her to start that again when her doctor gave her
8 permission to do that.

9 Q. Would her two daughters be a concentration on something
02:04 10 other than --

11 A. Definitely.

12 Q. Tell me about the functioning aspect of what -- of the
13 post-traumatic stress disorder, how does that play in,
14 especially with -- with respect -- my tongue's not working very
02:04 15 well today -- especially with respect to the post-traumatic
16 stress disorder in Jamie Leigh Jones?

17 A. Would you restate that?

18 Q. I certainly will. Can you tell me how the lack of
19 functioning, I think is the way that you phrased it, or the
02:05 20 effect on the ability for someone to function, how does that
21 relate to the case of Jamie Leigh Jones?

22 A. Okay. She had impaired functioning in social and
23 occupational functioning. Socially it means that her world is
24 very small. It's limited to a number of people. It's limited
02:05 25 to going places in the company of her husband or her mother or

02:05 1 some other trusted person.

2 There's a small number of places she goes
3 independently. When she does go to those places, it's a very
4 challenging event for her. So, it's limited her world in terms
02:05 5 of its scope and certainly the occupational functioning,
6 because not wanting to go places that remind her of the trauma
7 or in her mind are places that make her vulnerable to
8 experiencing that type of a crime again, would mean that it
9 greatly impairs her ability to be gainfully employed. So, she
02:06 10 is probably underemployed for her educational background.

11 Q. Does it have -- does the diagnosis of post-traumatic stress
12 disorder have any impact on a person's memory?

13 A. Does it have any impact on their memory?

14 Q. Or their forgetfulness?

02:06 15 THE COURT: Does it reduce short-term memory or
16 long-term memory or make them forget things like where they put
17 their car keys anything like that?

18 THE WITNESS: (No response.)

19 THE COURT: If no, that's fine.

02:06 20 THE WITNESS: Yeah, I don't know that I have any
21 clinical research on that. Can I answer further?

22 THE COURT: Yes.

23 MR. KELLY: Absolutely. I don't mean to cut you off.

24 THE WITNESS: She has become very forgetful. She said
02:07 25 that she had times before where she might have been a little

02:07 1 bit forgetful, but nothing like she's experienced in the last
2 six years.

3 BY MR. KELLY:

4 Q. What is that related to, in your opinion, the
02:07 5 forgetfulness?

6 THE COURT: Well, I think the question originally was
7 whether PTSD might cause memory loss. Do you think it could be
8 attributed to that or could be attributed to something else,
9 the fact that her memory seems to be in decline?

02:07 10 THE WITNESS: I don't really have any information
11 about memory.

12 MR. KELLY: Okay.

13 THE WITNESS: I would think that post-traumatic stress
14 would more effect somebody in terms of their functioning, in
02:07 15 terms of having -- reexperiencing things, certainly when
16 there's prolonged exposure to having to talk about the trauma,
17 think about it, experience the feelings, go back over details,
18 which in this -- in her particular case have been part of it
19 because of having a court case. There are times when you have
02:08 20 to go back over those things.

21 BY MR. KELLY:

22 Q. And how does that impact on Jamie when she has to go back
23 over those things?

24 A. Well, it's like stepping back into it. So, it kind of
02:08 25 brings it back -- brings you back to that time and point.

02:08 1 Q. And I'm struggling a little bit here, Ms. Nelson, as far as
2 how to ask this question. So, I guess I'll just throw it out
3 there.

4 Is part of the reason for the treatment to help
02:08 5 to make it so the person doesn't continue to think about it and
6 remember what happened to them?

7 A. Yes.

8 Q. Okay. If Jamie hypothetically were to suffer from some
9 other psychiatric disorder, does that preclude her from having,
02:09 10 in addition to that other psychiatric disorder, post-traumatic
11 stress disorder?

12 A. Let me see if I can restate your question.

13 Q. Please do.

14 A. Are you asking me can a person have post-traumatic stress
02:09 15 disorder and another mental illness disorder?

16 Q. Yes.

17 A. Yes.

18 Q. In your evaluation of Jamie, does she suffer from another
19 psychiatric disorder?

02:09 20 A. No.

21 Q. Okay. You mentioned earlier that you believe that Jamie is
22 underemployed for her education level. What did you mean by
23 that?

24 A. Well, she has an MBA and MBA's typically earn more money
02:09 25 than she has earned in the last few years. And they also

02:09 1 generally are in careers that have greater earning potential,
2 have -- you know, are more commensurate with her education.
3 Q. And do you have a sense from your treatment of Jamie why
4 she doesn't have a position that's more commensurate with her
02:10 5 education?

6 A. Yes.

7 Q. And what is that?

8 A. It's because of the limitation of not wanting to go places
9 that remind her of the trauma, in terms of being exposed to
02:10 10 unfamiliar males.

11 Q. In terms of what Jamie can expect in the future, what
12 prognosis do you have for her?

13 A. I wish I had a real clear-cut answer for you. I don't.

14 Q. What are the potential prognoses for Jamie?

02:10 15 A. The potential prognosis is that she will hopefully have
16 some remission and maybe have some periods in time where this
17 comes back into her life for short periods of time and then it
18 goes away again as the symptoms go away or die down. Or she
19 may struggle with it for the rest of her life.

02:11 20 Q. If the symptoms do die down, as you put it, does that mean
21 that the condition is cured, not to come back?

22 A. No.

23 Q. How does that play out typically?

24 A. I don't know what you're asking.

02:11 25 THE COURT: Does it have long periods of remission, or

02:11 1 does it have regular recurrences?

2 THE WITNESS: I don't think I can give you an answer
3 that fits across the board. Every person is different and
4 their response is different.

02:11 5 BY MR. KELLY:

6 Q. Fair enough. You recall an event in your office that you
7 described to us, in July of 2010?

8 A. Yes.

9 Q. Tell us about that event.

02:12 10 A. In July of 2010, my office was broken into over a weekend.
11 There is a tape of the person who broke into the building.
12 They had to break into the building, which was alarmed, which I
13 did not know; but it was. We're talking about a cement
14 building with thick glass.

02:12 15 They broke the glass, came into the building,
16 went directly to -- we have a tape of this, went directly to
17 the elevator, took the elevator up to the third floor, got off
18 at the third floor, went to our office, had some sort of tool
19 with him to break into our office, which had a cherrywood door
02:12 20 about this thick (indicating), hacked up our door, hacked up
21 the door to my file room and my associates' file room with our
22 records in it, hacked into both of our office, hacked into our
23 file cabinet, which looks like it was opened with a crowbar.

24 Q. Were any files taken?

02:13 25 A. Not that I can find.

0 2 : 1 3 1 Q. Where was Jamie Leigh Jones' file at the time?

2 A. Her file was not in the office.

3 MR. KELLY: Nothing further.

4 THE COURT: Okay. Any cross-examination?

0 2 : 1 3 5 **CROSS-EXAMINATION**

6 BY MS. CULLEN:

7 Q. Good afternoon, Ms. Nelson. My name is Sharon Cullen. I
8 represent Charles Bortz. I would like to ask you a few
9 follow-up questions on some of the same issues that Mr. Kelly
0 2 : 1 3 10 addressed with you first.

11 You mentioned that in the case of Ms. Jones,
12 there had been -- although there was unconscious exposure, so
13 to speak, she knew about events that led up to and events after
14 and experienced fear and horror when learning what happened
0 2 : 1 4 15 afterwards. And I want to address the three parts of that
16 observation.

17 A. Uh-huh.

18 Q. First, what have you been told are the events that led up
19 to -- and I'm not sure that you gave a name to what it led up
0 2 : 1 4 20 to. You said events that led up to, events that occurred
21 afterward. Do you think of it in terms of her assault, I would
22 assume?

23 A. Rape and physical assault.

24 Q. That's what you've been told?

0 2 : 1 4 25 A. Yes.

02:15 1 Q. So, tell me what are the events that led up to the alleged
2 assault, that you know about.

3 A. Okay. She told me that she had been in Iraq for
4 approximately four days and was socializing with some coworkers
02:15 5 after work, in a place that was set up for people to socialize,
6 and alcohol was served and she was asked if she wanted a drink.
7 Someone offered to get her a drink. She got that drink, began
8 drinking it and started noticing that, you know, her senses
9 were becoming numbed and was -- had no -- what word am I
02:15 10 looking for?

11 THE COURT: Perception, no sensory perception?

12 THE WITNESS: Yes.

13 A. Had no -- lost consciousness basically.

14 BY MS. CULLEN:

02:15 15 Q. Let me be sure I'm understanding you correctly. Ms. Jones
16 told you that after drinking some of her drink -- did she tell
17 you how much of it she had drunk or how long it had been that
18 she had been sipping before she began to notice her senses
19 becoming numb?

02:16 20 A. I think it was about half of the drink.

21 Q. So, she had been sipping about half of the drink. Do you
22 know over what period of time?

23 A. I do not.

24 Q. All right. And then she told you that she began to notice
02:16 25 her senses becoming numb?

02:16 1 A. I'm describing this and maybe not very well. And that all
2 of a sudden, thing -- you know, sight, sound -- sight was
3 blurring, sound was becoming muffled, all of the things that
4 happen to people when they become unconscious.

02:16 5 Q. And that's what Ms. Jones described to you?

6 A. Yes, ma'am.

7 Q. All right. So, are those all of the events that you can
8 recall for us right now that you've been told led up to the
9 alleged assault?

02:17 10 A. Yes, ma'am.

11 Q. All right. Can you describe for us, please, what you know
12 about events following the alleged assault?

13 A. Yes. What she reported to me was that she woke up the
14 following morning and was a little incoherent, but kind of
02:17 15 noticing, first of all, that someone was next to her naked and
16 that she was naked and that she had pain in her body and that
17 she had no recollection of what had taken place and asked the
18 person, the man next to her: Did we have unprotected sex?

19 And he said: Yeah, we did.

02:17 20 Q. Okay. Someone was next to her, you mean there was someone
21 lying in bed next to her?

22 A. Yes.

23 Q. That was the recollection that she described to you?

24 A. Yes.

02:18 25 Q. And both of them were naked?

02:18

1 A. Yes.

2 Q. All right. And was it while she was lying in bed with him
3 that she described: Did we have unprotected sex?

02:18

4 A. You know, I don't recall. It was -- it was either then or
5 shortly thereafter. I don't recall specifically if it was
6 right --

7 Q. Did you get any other description about -- that you
8 consider relevant to the diagnosis about what happened after
9 the alleged assault?

02:18

10 A. In what way relevant?

11 Q. Well, I don't know. I mean, you're -- the exposure portion
12 of the criteria for PTSD, I understand, is met, in your
13 opinion, because of events that led up to and events that
14 followed the alleged assault. So, what I would like to be sure
15 I have from you in full is what's your understanding of those
16 events that you feel support your diagnosis.

02:18

17 A. Okay. She was horrified. She started asking other
18 questions and he explained to her what had taken place and she
19 was horrified.

02:19

20 Q. And I assume this horrified response came after she asked
21 the man in bed with her whether they had had unprotected sex
22 and he said yes?

23 A. Yes.

24 Q. And then she felt horrified?

02:19

25 A. Well, she asked more questions.

02:19 1 Q. Okay. What else is your understanding about what else she
2 asked?

3 A. Well, I don't know that she asked more questions. I'll
4 take that back. She got more information.

02:19 5 Q. Okay.

6 A. And the information that she got is that there had been
7 five men involved and that she had had sex with five men. So,
8 that she had been assaulted by five men, not one.

9 Q. All right. So, the information that she learned that led
02:19 10 to her horror response was, first, she had unprotected sex with
11 the man in her bed?

12 A. Uh-huh.

13 Q. That five men total had also had sex with her, and what
14 else?

02:20 15 A. Well, when she got up, she noticed that she was very sore,
16 had pain in her breasts, had soreness in her vaginal area, had
17 soreness in her anal area and went to the bathroom and scraped
18 together some clothing. She told me this, but I don't remember
19 exactly where she got the clothing from. And basically got
02:20 20 more understanding of what had taken place.

21 Q. Can you tell us the form of understanding that you're
22 referring to about what had taken place?

23 A. Form of understanding?

24 Q. Well, you said she got more understanding about what had
02:20 25 taken place; and I'm not really following you.

0 2 : 2 1 1 What exactly are you referring to? What
2 understanding did she get, and how did she get it?

3 A. Well, the information that had been provided her and the
4 fact that she was bruised, the fact that she had tears in her
0 2 : 2 1 5 vaginal area and her anal area. Her breast tissue was torn.

6 Q. All right.

7 A. She had been physically assaulted.

8 Q. Bruised, tears in vaginal and anal area and torn breast
9 tissue, is that what you said?

0 2 : 2 1 10 A. Uh-huh.

11 Q. Okay. And how did Ms. Jones tell you she acquired that
12 information?

13 A. How did she tell me she acquired that information?

14 Q. Yes, ma'am. I would assume she could see the bruise?

0 2 : 2 1 15 A. I would, too.

16 Q. How did she know that she had vaginal and anal tears?

17 A. I think that this was information that became apparent when
18 she had a rape kit performed.

19 Q. Is it your understanding from Ms. Jones that the physician
0 2 : 2 2 20 who examined her in Baghdad told her that she had vaginal and
21 anal tears?

22 A. Yes.

23 Q. And what about the torn breast tissue, did she tell you
24 anything about how she came to conclude that she had torn
0 2 : 2 2 25 breast tissue?

0 2 : 2 2 1 A. Well, she had an examination when she came back here as
2 well; but the MD who did the rape kit also mentioned that she
3 had torn tissue --

0 2 : 2 2 4 Q. Ms. Jones had told you that the military physician in
5 Baghdad told her she had torn breast tissue?

6 A. Yes.

7 Q. Do you have a clear recollection of that conversation with
8 Ms. Jones?

9 A. Clear in what way?

0 2 : 2 2 10 Q. You're sure?

11 A. That she told me this?

12 Q. Yes, ma'am.

13 A. Yes.

0 2 : 2 3 14 Q. All right. We've gone through events leading up, events
15 following, learning what happened afterward. And by learning
16 what happened afterward, are you including the conversation
17 with the man in her bed?

18 A. Uh-huh.

0 2 : 2 3 19 Q. What she was told by Dr. Schulz -- that's the name of the
20 military physician who examined her in Baghdad.

21 A. (Nodding head.)

22 Q. So, we're talking about comments by the man in her bed,
23 what she was told by Dr. Schulz. Is there anything else about
24 the learning process that contributed to the horror reaction?

0 2 : 2 3 25 A. Looking at her own body and feeling that, you know, that

02:23 1 she had been assaulted.

2 Q. Okay. Anything else?

3 A. (Shaking head.)

4 Q. I'm just -- it's something attorneys do. I mean, you're
02:23 5 looking at me rather puzzled as if I'm expecting you to have
6 something else. I just want to be sure that I've given you an
7 opportunity to tell us about every aspect of the basis for your
8 opinion.

9 A. If there's something specific, if you would ask that, I
02:24 10 could answer "yes" or "no."

11 Q. I will certainly do that.

12 A. Okay.

13 Q. I will certainly do that.

14 This information gathering process, if we may
02:24 15 refer to it as that, beginning with the conversation with the
16 man in her bed, continuing with her observations of her own
17 body in the bathroom, and then ending with her conversation
18 with the physician at the military hospital, that is a course
19 of events that spanned a couple of hours. I mean, does that
02:24 20 comport with your understanding, that she woke up, she went to
21 the bathroom, she went to a clinic, she went to the hospital,
22 they did the whole rape kit? I mean, this wasn't something
23 that happened instantaneously. You understand that?

24 A. Yes.

02:25 25 Q. Is it typical that you see cases of PTSD that are the

02:25 1 result of horror inspired by a two or three-hour course of
2 learning about events?

3 A. I have, yes.

4 Q. Let's talk about -- you mentioned when discussing
02:25 5 reexperiencing the events -- which is, of course, one of the
6 requirements for the DSM-IV, you mentioned intense
7 physiological response to cues?

8 A. Uh-huh.

9 Q. Could you tell us, please, specifically which physiological
02:25 10 responses you have observed in Ms. Jones?

11 A. Observed or reported?

12 Q. Well, an excellent distinction. Tell me about the ones
13 that have been reported to you by Ms. Jones.

14 A. Okay. Physiological responses that happen when exposed to
02:26 15 cues would be racing a heart, a lump in the throat, distress in
16 your stomach, feeling like you've, you know, got something --
17 been kicked in the stomach, something along those lines,
18 feeling it in your stomach, in other words.

19 Q. All right.

02:26 20 A. So, having a physical response to being exposed to a cue.

21 Q. And which of those responses have been reported to you by
22 Ms. Jones?

23 A. The three I just named.

24 Q. The three you mentioned?

02:26 25 A. Yes.

02:26 1 Q. I'm sorry. I thought you were speaking in general.

2 A. No.

3 Q. So, racing heart, lump in the throat, and what did you
4 mention about the stomach?

02:26 5 A. Distress in the stomach, feeling kind of like you've been
6 kicked in the stomach or a pit in the stomach, to use her own
7 words, felt like she had a pit in her stomach.

8 Q. All of these are subjective reports, correct?

9 A. All of these are reports by -- my client?

02:27 10 Q. By your client.

11 A. Yes.

12 Q. Yeah. All right. Is there any objective evidence,
13 anything that you have observed objectively that would
14 contribute to physiological responses to cues?

02:27 15 A. Well, I can't see a racing heart.

16 Q. Right.

17 A. I can't see a pit in the stomach. I can't see a lump in
18 the throat. I can see if somebody is visibly shaken, upset,
19 traumatized, crying, has distress in their voice, I could
02:27 20 observe those.

21 Q. So, in terms of physiological responses to cues, there
22 really aren't any of those that we can have an objective
23 finding related to?

24 A. Certainly we could if we had somebody -- you know, a
02:28 25 medical doctor assessing those at the time they were happening,

02:28 1 in terms of the racing heart.

2 Q. Right. Right. But that's not something that you can or
3 have done with Ms. Jones?

4 A. No, ma'am.

02:28 5 Q. You mentioned under the avoidance and numbing criteria that
6 Ms. Jones avoids people and places that remind her of the
7 events. What people and places does she avoid?

8 A. She avoids going places where there are unfamiliar males,
9 any men that she doesn't know. She avoids lots of places. It
02:28 10 has been a big focus of therapy to encourage her and get her to
11 go to more public places, to increase the scope of her
12 mobility.

13 Q. Does it have to be a place that is in some way -- I don't
14 know -- reminiscent of Iraq or a place where there are lots of
02:28 15 young people drinking? I mean, does it have to bear some
16 similarity to the events immediately preceding the alleged
17 assault?

18 A. Does it have to or is it?

19 Q. For her -- in order to be a problem for her, does it need
02:29 20 to have some similarity, or is it just any place that's public
21 is difficult for her?

22 A. It's basically a place where there are unfamiliar males.

23 Q. Do you know that she is now -- instead of teaching
24 elementary school, she is now teaching college courses in
02:29 25 business?

02:29

1 A. I do.

2 Q. Are there people -- I mean, other than just men she doesn't
3 know, are there specific people she avoids because they remind
4 her of events?

02:29

5 A. Specific people other than unfamiliar males?

6 Q. Yeah.

7 A. Not that I can think of.

8 Q. You went through a list of items that you would group under
9 the finding of hyperarousal.

02:30

10 A. Uh-huh.

11 Q. Can you distinguish between hyperarousal and generalized
12 anxiety?

13 A. People with PTSD often have features of other things going
14 on, particularly mood disorders. PTSD is an anxiety disorder.

02:30

15 Q. Yes.

16 A. So, are you going to see anxiety with it, yeah. So, to
17 distinguish between those two disorders, I don't think you can
18 exactly distinguish between them because the post-traumatic
19 stress has anxiety that goes with it. It's kind of built into
20 the criteria, and hyperarousal is certainly a big piece of
21 that.

02:30

22 Q. Would it be particularly difficult to diagnose PTSD in
23 someone who had long-standing anxiety problems?

24 A. No, I don't think so.

02:31

25 Q. How would you tell the difference between the anxiety

02:31

1 problems that had been going on for years and new anxiety
2 problems that are now PTSD?

02:31

3 A. I don't know that you could exactly determine it; however,
4 you would have to have the exposure. You would have to have
5 that response.

02:31

6 Q. So, it is the alleged assault event, the exposure that
7 transforms or could transform generalized long-term anxiety to
8 PTSD?

9 A. The word you're using, "transforms," I wouldn't agree with.

10 Q. Okay.

11 A. Could you have both disorders --

12 Q. Simultaneously?

13 A. Yeah, you could.

02:32

14 Q. You have been seeing Ms. Jones for six years, I believe you
15 said?

16 A. Four.

17 Q. Oh, it's a six-year span. For two of them she was in
18 San Diego?

19 A. (Nodding head.)

02:32

20 Q. Very good. And it is somewhat unusual for you to see a
21 particular client for such a long time?

22 A. Is it unusual?

23 Q. Yes.

02:32

24 A. It's more rare. It's more rare. Although I have had
25 clients and do have clients I've seen for a long period of

02:32 1 time, depending on the diagnoses.

2 Q. PTSD?

3 A. I have had clients with PTSD I treated for longer periods
4 of time.

02:32 5 Q. Longer than six years?

6 A. No.

7 Q. Were you aware that at one point Ms. Jones was evaluated by
8 a psychiatrist, I believe, at Tulane, Dr. Manguno-Mire?

9 A. She's told me at different times she's been evaluated by
02:33 10 psychiatrists. I don't recall Manguno-Mire per se.

11 Q. I want to read you an observation of Dr. Manguno-Mire, and
12 I would like to know if you share this view.

13 "Research demonstrates that the median time to
14 remission of PTSD is 36 months for those in treatment and
02:33 15 64 months for those who have not sought treatment."

16 Does that correlate with your general
17 understanding about PTSD?

18 A. Research and what happens in real life are two different
19 things. We use research a lot as -- well, we use it as
02:34 20 informational. We use it as -- you know, just the very nature
21 of research is that it's not specific to individual human
22 beings. It's groups of people who are studied. Do I -- what
23 was the question? Do I agree with --

24 Q. Well, I wondered if you agree. I mean, would it have been
02:34 25 your observation as well that -- from the research that you're

0 2 : 3 4 1 familiar with and your own education and training, would you
2 agree that typically with treatment, PTSD resolves in the
3 neighborhood of 36 months, without treatment it will resolve on
4 its own in 64?

0 2 : 3 4 5 A. Because I'm working with people individually and not in
6 academia and not in research, I can't really use the word
7 "typical." Because every client is individual, and
8 particularly in the case of PTSD.

0 2 : 3 4 9 Q. Well, tell me this, would you agree that just logically it
10 would seem the more extreme the exposure, the more traumatic
11 the exposure, the longer it's likely to take for the client to
12 see real progress and heal?

13 A. Yes.

0 2 : 3 5 14 Q. So, when you're looking at PTSD in particular, you're going
15 to see folks who have been in horrible car wrecks, seen their
16 children die in front of their faces, men in combat who've seen
17 a limb blown off in front of them, all manner of really, really
18 horrible and dreadful experiences.

0 2 : 3 5 19 Would you anticipate that that sort of trauma
20 would be at the farther end of the spectrum in terms of your
21 anticipation of when therapy might be successful or complete?
22 It's going to take longer?

23 A. Would I anticipate that the situations that you've talked
24 about would take longer to resolve?

0 2 : 3 6 25 Q. Yes.

0 2 : 3 6 1 A. Not necessarily, no.

2 Q. So, what -- are there any factors that you have found that
3 are in any way predictive for you in treating patients in terms
4 of how long you would anticipate it to take before the patient
0 2 : 3 6 5 is no longer in need of therapy?

6 A. Yes.

7 Q. All right. What are those factors?

8 A. One of those factors is the nature of the trauma. So, you
9 will find that in post-traumatic stress, in the literature --
0 2 : 3 6 10 the professional research would speak to this -- is that the
11 nature of the trauma has a lot to do with resolving it in
12 therapy in terms of how successful it might be and how long it
13 might take. The nature of the trauma -- someone who
14 experiences an earthquake is going to have a different reaction
0 2 : 3 6 15 than somebody who is physically assaulted, raped, and
16 sodomized. It's an interpersonal nature of the trauma and the
17 crime, a crime of violence. It's not like being in a car
18 accident.

19 Q. So, interpersonal kind of assaults --

0 2 : 3 7 20 A. Yes.

21 Q. -- you find require the most lengthy recovery time?

22 A. Yes, ma'am.

23 Q. Did you say you've had other patients who had no -- who
24 were unconscious at the time of whatever the traumatic event
0 2 : 3 7 25 was that triggered PTSD?

0 2 : 3 7 1 A. Am I here to speak about other patients?

2 THE COURT: Well, we don't want you to violate any
3 confidentiality; but I think Ms. Cullen is just asking whether
4 there have been patients within your practice who have had that
5 experience, as Ms. Jones says she has.

6 THE WITNESS: Of being drugged, ma'am?

7 THE COURT: No, being unconscious in any way, whether
8 from drugs or from violence to the head or anything else.

9 A. Not to my knowledge.

0 2 : 3 8 10 BY MS. CULLEN:

11 Q. I want to go through a number of items that you have
12 mentioned in your initial consultation. And first let me ask
13 you: Does your initial consultation reflect the kinds of
14 information that you think it's important for you to have in
15 order to begin treating a client?

16 A. Yes.

17 Q. That's why you discuss those particular kinds of
18 information, is it not?

19 A. Yes.

0 2 : 3 8 20 Q. And some of the information that you discussed with
21 Ms. Jones involves what you might call social or personal
22 history?

23 A. Yes.

24 Q. You asked about a history of either -- of problems with
0 2 : 3 9 25 either alcohol or drugs?

02:39 1 A. Yes.

2 Q. And I see from your initial consultation --

3 MS. CULLEN: And why don't we pull that up? That's
4 Bortz 195. And if you could please enlarge the third
02:39 5 paragraph. There we are.

6 BY MS. CULLEN:

7 Q. Client denied any history of alcohol or drug problems?

8 A. Uh-huh.

9 MS. CULLEN: If you could please put up now Bortz
02:39 10 B182? Can you lose the highlighting that you have there and
11 instead highlight just after it, where it says, "Patient
12 reports possible" --

13 See right in the middle of the paragraph -- no.
14 Right in the middle of the paragraph. Let me find it for you.

02:40 15 THE COURT: It's on the fifth line down.

16 MS. CULLEN: Perhaps this will help.

17 MR. HEDGES: She's got it.

18 BY MS. CULLEN:

19 Q. "Patient reports possible sexual intercourse with new
02:40 20 partner after having several drinks and passed out."

21 Would you describe that as a problem with
22 alcohol, at least once?

23 A. When I look for problems with alcohol, I'm looking for a
24 pattern, a pattern of alcohol abuse or drug abuse.

02:41 25 Q. Did she report to you having had any problems with passing

0 2 : 4 1 1 out in the past and not remembering things? I mean, the date
2 on here, if you will notice, is 5-19-05, just two months before
3 she went to Iraq.

4 So, is it -- in your opinion, that would have
0 2 : 4 1 5 been irrelevant to you even though it's only two months before
6 this event, the fact that she had a history of drinking,
7 passing out, and not remembering if she had sex? Is that not
8 relevant to you?

9 A. It's relevant. It's not a pattern.

0 2 : 4 1 10 Q. Okay. Fair enough.

11 MS. CULLEN: Let's go back to B195. Please enlarge
12 the same highlighted paragraph.

13 BY MS. CULLEN:

14 Q. The next phrase is: "Denies any prior treatment with the
0 2 : 4 2 15 exception of one initial visit recently with another
16 therapist."

17 A. Uh-huh.

18 Q. Would you agree that treatment includes the use of
19 prescription psychotropic drugs?

0 2 : 4 2 20 A. Actually, the treatment I'm speaking to there was therapy.

21 Q. Therapy?

22 A. The prior treatment by a psychotherapist.

23 Q. So, if, in fact, she had been prescribed Xanax, Effexor,
24 Lamictal for years, that would not have been information that
0 2 : 4 2 25 you would have been trying to elicit?

02:42 1 A. No. That would have been treatment as well.

2 Q. All right. And are you aware that beginning as early as
3 2001, she was routinely taking Zoloft, Ativan --

4 A. Routinely?

02:43 5 Q. Tell you what. Let's bring up -- let's be specific.

6 MS. CULLEN: Please bring up Bortz 247.

7 BY MS. CULLEN:

8 Q. This is a summary of some rather voluminous pharmacy
9 records. And if you'll notice she was prescribed Xanax
02:43 10 November of 2001. In October of 2002, we see Zoloft; and
11 that's refilled twice in that month. And then in December and
12 January following, more Zoloft. And we know that the family
13 used three pharmacies. We were only able to obtain records
14 from one of the three.

02:44 15 Then in July of '03, we see Effexor twice. And
16 then in August, again Effexor. Lamictal in September. Zoloft
17 in September. Lamictal again in October. Zoloft again in
18 October of '03. You see it's fairly regular over a span of
19 years.

02:44 20 Was this information that would have been
21 responsive to your interview questions and relevant to your
22 treatment of her?

23 A. It would have been responsive to the question. It would
24 have been information good to document in the chart and know
02:44 25 about. I don't know that it would have changed my treatment.

02:45 1 Q. Fair enough. Would knowledge of preexisting problems of
2 anxiety and depression have influenced your diagnosis?

3 A. Good question. In this case, I don't know because it
4 didn't happen. I had some knowledge of, I would say, episodes
02:45 5 of depression and anxiety. That did not change.

6 Q. Let's go back to your report.

7 MS. CULLEN: Same paragraph, if we can enlarge that
8 again.

9 BY MS. CULLEN:

02:45 10 Q. And the next phrase is deny -- well, actually, the next
11 phrase is: "Denies any history of suicidal ideation."

12 So far as I know, we have no relevant information
13 on that point.

14 "Denies any history of domestic violence."

02:46 15 Did she share with you that when she was -- the
16 dates are not entirely clear -- that 16 or 17, possibly as old
17 as 18, she was living with her mother, who had a physically
18 abusive boyfriend, and that, indeed, she reported herself to
19 Children's Protective Services?

02:46 20 A. She did, ma'am.

21 Q. Did she?

22 A. She did.

23 Q. You didn't consider that a history of domestic violence?

24 A. No, I do not.

02:46 25 Q. The next sentence: "Additionally, client denies any

02:46 1 emotional, physical, or sexual abuse."

2 Were you aware that she reported to physicians
3 that she had been sexually assaulted by her manager at work in
4 2005?

02:47 5 A. I was not aware that she had reported to physicians that
6 she was sexually assaulted by someone at work.

7 Q. I would like to get a little information from you, a little
8 insight about your treatment modalities, if that's the proper
9 phrase.

02:47 10 THE COURT: Excuse me. I'm getting a little bit
11 concerned about the time. Who's going to handle the
12 questioning? Mr. Hedges, how much do you anticipate?

13 MR. HEDGES: I think ten minutes, five to ten minutes.

14 THE COURT: How much more do you think you have,
02:47 15 Ms. Cullen?

16 MS. CULLEN: Actually, I think I have about three more
17 questions.

18 THE COURT: All right. Let's carry on.

19 MS. CULLEN: I'll hurry.

02:47 20 THE COURT: Let's carry on.

21 BY MS. CULLEN:

22 Q. If you could, please, Ms. Nelson, tell us, if you would,
23 what is desensitization exposure therapy?

24 A. It is talking to the client about the event in what I'm
02:48 25 going to call "snippets," or as much as they can tolerate at

02:48 1 one time, building up over time to talking about the most
2 uncomfortable parts of it. So, it starts out with small things
3 and doing that in a safe exchange between myself and the
4 client.

02:48 5 Q. And have you done that with Ms. Jones?

6 A. Yes.

7 Q. And what -- are these snippets about what she remembered
8 before taking -- before losing consciousness when she was at
9 the social gathering, or are these snippets about when she woke
10 up afterward?

11 A. Yes.

12 Q. Both?

13 A. Afterwards, yes.

14 Q. Okay. What sorts of things has she told you that she can
15 now recall about afterward?

16 A. Now --

17 Q. Anything other than what you've already told me?

18 A. Are you talking about in desensitization and exposure
19 therapy?

02:49 20 Q. Yeah. What snippets does she think about and talk about in
21 that aspect?

22 A. Okay. These are things that are thoughts, feelings, images
23 that come up during the time period that we were talking about
24 this. You're wanting to know exact thoughts, exact feelings?

02:49 25 Q. Not thoughts and feelings so much as what is it that she

02:49 1 recalls factually that causes her the greatest discomfort.

2 What memories is she describing to you?

3 A. Well, one is being drugged; and the second one is waking up
4 battered, bruised, next to someone who she doesn't know and,
02:50 5 you know, learning that she's been assaulted by five people.

6 Q. Hypnotherapy, you mentioned that you use it to reduce
7 symptom intensity, that the point of hypnotherapy with you is
8 not to remember things that happened?

9 A. Right.

02:50 10 Q. However, notwithstanding that it isn't the goal, has
11 Ms. Jones experienced any recovered memories as a result of
12 hypnotherapy with you?

13 A. It wasn't about recovered memories; and, no, there was no
14 recovered memories from that session. It was more emoting.

02:50 15 Q. Stress inoculation, can you tell me what that is?

16 A. Stress inoculation is learning ways to look at things, to
17 do things that are less stressful to you. Sometimes -- I would
18 say mostly it's behavior. Sometimes it's how we think about
19 something, but that's going to be more covered in the cognitive
02:51 20 behavioral processing/restructuring. So, looking at a thought
21 differently.

22 Q. Interesting. Thank you.

23 THE COURT: Thank you.

24 MS. CULLEN: Pass the witness.

02:51 25 THE COURT: Mr. Hedges.

CROSS-EXAMINATION

BY MR. HEDGES:

Q. Ms. Nelson, my name is Dan Hedges; and I represent KBR.

Who told Ms. Jones that five men had raped her?

A. I believe the man that was laying in bed next to her told her that.

Q. That was the morning when she got up and he said, "It wasn't just me, there were five other guys who raped you," and that was part of why she was so horrified?

A. Yes.

Q. I think that you said that Dr. Schulz -- excuse me -- Ms. Jones told you that Dr. Schulz told her that she had torn breast tissue. Did I get that correct?

A. From having a physical examination, her breasts were hurting, and she was told that there was something going on with the breasts. I don't know if that actually was Dr. Schulz or if that was the doctor when she got back here. But she knew she had something wrong with her breasts, she could feel it, see it.

Q. What did she tell you -- what do you remember that Ms. Jones told you that Dr. Schulz told her?

A. Nothing except that -- the conversation that I remember that she had with Dr. Schulz did not occur at the time that you're asking about it. It occurred much later.

Q. She had a much later conversation with Dr. Schulz?

02:52

1 A. Yes.

2 Q. When was that?

3 A. It was at some time -- I can't give you a date. I don't
4 know a date. It was --

02:52

5 Q. Was it while she was still in Iraq?

6 A. No.

7 Q. When did she meet Dr. Schulz other than when she was in
8 Iraq?

9 A. She didn't meet her. She talked to her on the telephone.

02:53

10 Q. Okay. Let me ask you something about how she described
11 herself the morning of the 28th. Did she tell you -- you just
12 said she said she was bruised and battered?

13 A. Yes.

14 Q. Did she have severe bruising?

02:53

15 A. She said she had bruising on the inside of her thighs and
16 around her buttocks.

17 Q. Did she tell you it was severe bruising?

18 A. No, she didn't tell me it was severe.

19 Q. Did she tell you she was bleeding profusely?

02:53

20 A. No.

21 Q. You've told us that the man in bed with her told her:

22 Yeah, I believe -- I think you said this. I've heard it from
23 other people, so I may be confusing it -- that he told her that
24 they had had unprotected sex?

02:53

25 A. Yes.

0 2 : 5 3 1 Q. And he told her there actually were five people who had sex
2 with her that night?

3 A. Yes.

4 Q. So, if she told several other people the next day that five
0 2 : 5 3 5 people had had sex with her, she was relying on what the man in
6 bed with her had told her. Is that fair?

7 A. Yes.

8 Q. What else did he tell her?

9 A. You know, that was a long time ago; and I don't recall
0 2 : 5 4 10 anything else that he told her.

11 Q. Without recalling the details of it, do you recall that he
12 did, in fact, tell her some other things; you just don't
13 remember them sitting here today?

14 A. I don't recall.

0 2 : 5 4 15 Q. A couple of questions, then I'll be through, about avoidant
16 behavior. She goes out of her way to avoid being around adult
17 males that she does not know. Is that correct?

18 A. Yes.

19 Q. Did she know the members of the Congressional committee
0 2 : 5 4 20 that she testified before?

21 A. I don't believe so. That's different than going with
22 somebody. She goes with someone, and she feels less
23 vulnerable.

24 Q. Who was she with during the television interviews?

0 2 : 5 4 25 A. I don't know, sir.

02:54 1 MR. HEDGES: I pass the witness, your Honor.

2 THE COURT: Okay. We did promise the jury we would
3 get out of here by 3:00, so --

4 MR. KELLY: I'll be real quick, your Honor.

02:55 5 THE COURT: Okay. Very well.

6 **REDIRECT EXAMINATION**

7 BY MR. KELLY:

8 Q. Did you happen to see me sitting next to her in the
9 television interviews?

02:55 10 A. I didn't see the television interviews.

11 Q. I notice, Ms. Nelson, you weren't looking at your records
12 while you're answering these questions. Is it straining your
13 memory to go back some six years?

14 A. A little bit.

02:55 15 Q. Okay. Is it fair to say that some of it is just doing the
16 best you can?

17 A. In some areas.

18 Q. Okay. You mentioned that she didn't say anything about her
19 breast injury until sometime after she had gotten back into the
20 country, back in the United States?

02:55 21 A. (No response.)

22 Q. Did I understand you right in --

23 A. I'm not understanding.

24 Q. Okay. She didn't tell you she learned about her breast
02:55 25 injury immediately on the rape examination, if I

02:55

1 understood you --

2 A. She knew something was wrong with her breasts. I don't
3 know if it was -- and I did state that I thought the doctor had
4 told her that.

02:56

5 Q. Could it have been a different doctor that told her that?

6 A. It could have been, yes.

7 Q. Okay. And --

8 A. She knew something was wrong with her breasts. Did she
9 have a diagnosis then from the doctor, I don't know.

02:56

10 Q. Sure. You mentioned that you knew she had episodes of
11 anxiety and depression prior to your diagnosis of
12 post-traumatic stress disorder. Why is that different than the
13 diagnosis of anxiety and depression?

14 A. Well, a diagnosis, you have to meet specific criteria; and
15 there are certain time frames that you have to meet. And a lot
16 of us have episodes of feeling down or anxious. And
17 particularly when you have certain, what I would call,
18 psychosocial stressors or certain stressors in your life, if
19 you have something happen in your life, your reaction may be to
20 it that you feel depressed or anxious. It doesn't mean you
21 have a diagnosis of depression or anxiety.

02:56

22 Q. And you were asked about entries in medical records of
23 diagnosis -- or excuse me -- episodes of anxiety and depression
24 in 2001. Do you know how old Jamie was in 2001?

02:57

25 A. I can do the math. I know she's 26 right now.

02:57

1 Q. So, she would have been 15 --

2 THE COURT: 16.

3 BY MR. KELLY:

4 Q. -- or so?

02:57

5 A. (Positive nod.)

6 Q. Have you treated Jamie through the course of this
7 litigation?

8 A. Yes, all but the two years she was in California.

02:57

9 Q. By the way, you were treating Jamie before she ever met me,
10 weren't you?

11 A. I don't know when she met you; but I believe so, yes.

12 Q. And has going through this litigation process been
13 difficult for her from the psychiatric standpoint?

14 A. Yes, it's been very stressful.

02:58

15 Q. You were asked about whether or not Jamie could suffer from
16 a post-traumatic stress disorder without having -- I'm sorry,
17 whether she could suffer from that permanently. I think there
18 was some reading from Dr. Manguno-Mire about when it normally
19 subsides. Do you recall that?

02:58

20 In fact, do you know who Dr. Manguno-Mire is?

21 A. I do not.

22 Q. Okay. Do you know what Dr. Manguno-Mire's findings were?

23 A. I do not.

02:58

24 Q. Okay. Is it true that there are military veterans going
25 back as far as World War II who even today still suffer from

02:58 1 post-traumatic stress disorder?

2 A. Yes.

3 Q. So, if Dr. Manguno-Mire said it ended in 36 months, that's
4 not always true, is it?

02:58 5 A. No. I made the distinction that, you know, what research
6 says and what actually happens in real life are two different
7 things.

8 MR. KELLY: Pass the witness, your Honor.

9 THE COURT: Okay. Ms. Nelson, you're free to go.
02:59 10 Thank you very much.

11 Ladies and gentlemen, we promised you an early
12 departure. I don't want to let you leave, though, without
13 saying this. We celebrate our 235th birthday this year, and we
14 must give thanks for our country despite all its blemishes. I
02:59 15 particularly give thanks that we live in a country in which we
16 have a system of justice in which I get to work with men and
17 women like you. It's nothing short of inspirational to come
18 into the courtroom and confront an uninvited task of vital
19 importance without any prior warning. You've done it
02:59 20 heroically, and all of us stand very much in your debt. Thank
21 you.

22 Would all please rise for the jury.

23 *(Jury not present)*

24 THE COURT: Okay. Anything we need to take up in the
03:00 25 postgame period?

03:00

1 MR. ESTEFAN: I think Mr. Hedges was asking if we are
2 confirmed with Dr. Scarano at 8:30 on Tuesday?

3 THE COURT: 8:30 on Tuesday, Dr. Scarano.

4 MR. ESTEFAN: Thank you, your Honor.

5 *(Proceedings recessed for evening)*

6 * * * * *

7 COURT REPORTER'S CERTIFICATION

8 I certify that the foregoing is a correct transcript from
9 the record of proceedings in the above-entitled cause.

10 Date: June 30, 2011

11
12 /s/ Cheryll K. Barron

13 Cheryll K. Barron, CSR, CMR, FCRR
14 Official Court Reporter
15
16
17
18
19
20
21
22
23
24
25

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 228 of 269			107 [1] 174/10 '09 [1] 174/12	16 year [1] 155/25 158/18 161/3 162/16 162/18
\$1,434 [2] 105/15 106/18	-	19382 [1] 1/22		
\$1,434,726 [1] 84/13	-- I [1] 131/24	195 [1] 213/4		
\$1,650 [1] 157/3	.	1974 [1] 42/7		
\$1,700 [1] 107/6	.05 [1] 154/22	1976 [1] 42/9		
\$1,716,726 [1] 84/20	.39 [1] 154/17	1995 [1] 42/19		
\$10 [1] 151/17	/	1:00 [1] 147/13		
\$106,326 [1] 84/17	/s [1] 227/12	2		
\$110,000 [1] 58/9	0	2 percent [2] 162/21 163/18		
\$15 [1] 151/17	000974 [1] 26/12	2,739-dollar [2] 103/5 116/3		
\$15,000 [2] 105/22 107/6	05 [1] 214/2	2-point [1] 153/21		
\$16,563 [3] 135/6 135/10 135/18	1	2.01 [1] 161/17		
\$17,569 [1] 149/12	1 over [1] 154/21	2.0161 [2] 151/7 151/8		
\$17,596 [7] 137/17 137/20 137/25 138/7 138/21 138/24 152/20	1 percent [1] 50/13	2.64161 [1] 154/14		
\$2,546 [1] 115/15	1.0376 [3] 138/21 149/9 149/12	20 [1] 154/24		
\$2,738 [1] 104/10	1.2 [2] 161/3 162/15	20 -- you [1] 56/6		
\$2,739 [4] 102/23 106/7 107/2 107/14	1.3 percent [2] 161/3 162/15	2001 [4] 215/3 215/10 224/24 224/24		
\$2,957 [3] 105/13 105/19 106/16	1.6 [1] 161/11	2002 [1] 215/10		
\$20 [1] 151/17	1/1/2012 [1] 99/12	2004 [5] 104/4 104/5 105/7 105/18 106/13		
\$210,096 [1] 84/10	10 [23] 122/18 124/7 124/17 124/18 132/14 137/9 137/11 137/14 139/20 141/18 148/16 149/1 149/3 149/23 150/3 150/9 150/12 151/12 151/13 151/18 151/21 152/24 153/11	2005 [8] 5/10 5/11 44/24 68/13 79/15 174/9 182/23 217/4		
\$23,000 [6] 105/12 105/19 105/22 106/14 106/23 107/1	100 percent [1] 24/11	2006 [4] 135/5 135/8 135/11 135/11		
\$25,000 [2] 129/21 142/24	1000 [1] 2/6	2008 [1] 103/14		
\$25,200 [9] 83/13 119/22 123/1 136/24 142/12 142/16 142/24 143/12 144/7	1040 [2] 103/16 103/17	2010 [2] 195/7 195/10		
\$250 [1] 43/8	11 [11] 122/20 122/22 124/4 137/22 149/5 149/7 150/14 150/23 151/3 153/16 159/8	2011 [12] 1/5 43/16 79/15 79/16 79/16 79/19 83/10 87/18 87/19 87/23 117/23 227/10		
\$26,932 [5] 124/1 124/5 137/7 149/2 149/24	110,000-dollar [1] 58/21	2012 [8] 99/12 101/24 106/6 115/19 134/8 135/2 136/20 140/10		
\$263,919 [1] 84/2	110,000-plus-dollar [1] 48/11	2030 [1] 156/17		
\$27,000 [1] 54/15	1150 [2] 1/16 1/19	2047 [1] 129/21		
\$29,000 [1] 156/25	11:00 or [1] 36/25	21,209 [2] 124/3 124/12		
\$29,700 [1] 156/2	11:17 [1] 119/13	22nd [1] 174/9		
\$3,408 [1] 137/3	11:22 [1] 119/13	23,000 [1] 106/14		
\$31,166 [1] 157/20	11:30 and [1] 37/1	235th [1] 226/13		
\$32,166 [1] 156/18	12 [9] 117/6 117/17 122/15 123/9 146/14 146/16 149/9 162/9 170/1	247 [1] 215/6		
\$33,000 [12] 155/14 155/22 156/3 156/12 156/13 156/24 157/2 158/18 159/18 159/23 160/17 161/2	12:08 [1] 147/24	25 [2] 54/15 154/20		
\$33,166 [3] 155/12 157/25 159/18	12:30 [1] 35/22	25,000 [2] 117/2 129/9		
\$330 [1] 160/20	12:57 [1] 147/24	26 [2] 150/13 224/25		
\$38,000 [8] 105/22 106/8 107/2 107/13 107/20 108/18 115/15 115/19	13 [1] 154/16	26,932-dollar [1] 122/18		
\$39,106 [1] 160/25	14 [2] 139/7 159/8	27 [2] 1/22 149/16		
\$4,500 [2] 106/21 107/1	1488 [1] 36/9	2719 [1] 1/4		
\$41,000 [6] 152/19 155/13 155/15 159/24 162/7 162/8	15 [4] 139/9 151/18 151/21 225/1	28 [13] 5/11 79/14 79/15 140/24 142/24 148/23 149/16 149/17 150/1 150/10 150/13 152/20 152/22		
\$41,529 [8] 150/15 151/8 155/9 156/14 156/16 157/21 158/2 159/21	15 minutes [1] 116/13	28th [2] 68/13 221/11		
\$44,528 [2] 136/21 148/24	15th [9] 79/15 79/16 79/16 79/19 82/20 83/10 87/23 154/22 182/23	29,000 [2] 156/4 157/6		
\$5 [2] 126/4 151/18	16 [2] 216/16 225/2	2978 [1] 36/10		
\$5 million [1] 126/4	1650 [4] 155/24 155/25 156/1 157/5	3		
\$5,000 [1] 43/10	166 [1] 160/24	3 by [1] 104/12		
\$5,940 [1] 160/21	17 [1] 216/16	3 percent [1] 161/12		
\$62,000 [1] 156/5	17,000 [1] 152/16	30 [4] 1/5 123/16 125/24 227/10		
\$68,461 [1] 149/22	17,596 [1] 149/7	30-some-odd [1] 122/19		
\$779,363 [1] 83/15	18 [17] 149/19 152/6 152/9 155/1 155/4 155/15 156/1 156/8 156/14 157/6 158/1 159/24 160/20 162/2 162/6 162/7 216/17	31 [2] 49/11 127/12		
\$82,000 [3] 54/8 54/11 54/14		31-year [1] 75/19		
\$843,104 [1] 84/3		33 [2] 156/12 162/3		
\$9,265 [2] 134/7 134/9		33,000 [6] 155/23 156/4 156/18 157/9 162/1 162/2		
I		33,000-dollar [1] 159/12		
'03 [2] 215/15 215/18		33,186 [1] 160/22		
		330 [1] 160/18		

<p>3 Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 229 of 269</p> <p>35 [2] 127/9 144/21 350 [1] 170/25 36 [3] 209/14 210/3 226/3 36-year [1] 127/10 36th [1] 2/6 38,000 [2] 106/14 108/24 39 [2] 154/16 154/16 39,000 [1] 108/25 3961 [1] 154/17 3:00 [2] 147/22 223/3</p>	<p>82,000-dollar [1] 55/8 83 [1] 26/8 84 [2] 58/16 168/13 843 [1] 84/3 89,000 [1] 56/8 8:00 p.m [1] 16/16 8:15 [1] 1/5 8:30 [2] 227/2 227/3</p> <p>9</p> <p>9:37 [1] 60/10 9:52 [1] 60/10</p>	<p>223/15 223/18 223/24 224/22 225/15 225/18 above [6] 99/16 104/16 104/16 106/18 187/23 227/8 above-entitled [1] 227/8 absentia [1] 4/12 Absolutely [3] 132/9 162/19 191/23 abstract [2] 188/5 188/7 abuse [3] 213/24 213/24 217/1 abusive [1] 216/18 academia [1] 210/6 academic [2] 55/8 55/16 accept [3] 39/11 62/16 128/24 acceptable [2] 126/10 130/8 accepted [1] 131/6 access [3] 20/12 36/19 36/20 accessed [1] 52/13 accident [3] 44/24 82/19 211/18 accomplish [1] 181/22 accordance [2] 121/17 121/18 according [5] 30/6 30/13 107/2 125/21 156/13 account [17] 43/18 56/2 86/3 86/13 86/16 109/16 114/12 114/17 116/25 117/22 138/4 138/11 140/19 155/12 159/19 162/8 162/22 accounting [5] 96/22 98/14 108/12 121/17 131/6 accounts [2] 138/14 162/10 accurate [9] 23/15 24/11 24/15 46/15 81/4 81/5 84/15 164/19 180/13 achieve [1] 164/2 achieved [1] 55/12 acquired [2] 201/11 201/13 acquiring [1] 89/17 across [4] 36/10 36/20 166/8 195/3 act [1] 49/15 acting [1] 37/2 active [1] 78/1 activities [2] 173/4 177/18 actual [19] 25/8 37/12 85/7 93/2 93/4 98/7 101/13 103/6 103/10 107/12 107/15 113/24 116/10 117/21 123/4 134/22 135/5 141/4 157/19 actually [62] 7/6 10/25 13/12 24/3 24/13 25/5 29/3 30/19 35/20 37/8 45/6 60/25 61/21 74/20 79/11 90/5 90/6 90/8 90/10 90/11 91/21 95/9 96/20 98/3 98/11 100/8 100/12 101/9 102/17 107/10 107/11 107/12 107/16 107/20 107/21 109/16 116/6 117/24 127/7 134/13 135/3 135/4 135/20 145/14 146/25 149/17 153/23 159/7 161/5 162/23 165/9 171/6 176/21 176/21 186/15 187/20 214/20 216/10 217/16 220/16 222/1 226/6 add [11] 65/6 97/21 123/6 130/10 139/13 145/6 154/2 160/22 161/5 161/12 162/22 added [1] 73/11 adding [1] 161/16 addition [1] 193/10 additional [6] 39/25 73/4</p>
<p>4</p> <p>4.6 percent [1] 161/13 40 [2] 53/3 144/22 40 years [1] 54/4 41 [1] 152/15 41,000 [7] 152/15 152/16 154/1 157/8 158/19 162/1 162/5 41,000-dollar [1] 159/16 41,529 [2] 152/19 154/13 41692 [1] 123/17 44 [1] 123/20 45 minutes [1] 147/11 46 [22] 142/22 142/23 149/15 149/18 149/21 149/25 150/10 150/13 150/14 151/6 151/9 152/15 152/19 152/22 155/6 155/9 156/17 158/24 158/24 159/4 159/8 159/8 46,000 [1] 152/15 48,141 [1] 123/21 48141 [1] 123/23</p>	<p>A</p> <p>a.m [5] 1/5 60/10 60/10 119/13 119/13 abandon [2] 33/13 33/17 abilities [2] 57/17 113/12 ability [4] 51/17 97/20 190/20 191/9 able [18] 27/21 29/25 30/4 36/18 36/20 39/21 86/16 91/5 128/5 142/23 143/8 145/6 163/11 163/12 177/15 182/19 187/1 215/13 about [207] 4/20 6/13 10/6 13/6 17/2 17/19 17/21 18/2 18/4 18/6 18/8 18/14 18/18 19/12 19/14 20/8 21/21 24/1 24/5 25/21 26/14 32/8 35/7 35/15 35/17 35/23 37/1 38/16 38/22 39/3 39/4 40/16 41/3 41/5 42/4 43/11 43/14 43/14 46/15 50/13 53/14 58/25 61/7 61/7 62/3 63/4 64/6 64/6 64/15 65/20 66/11 66/19 66/23 67/8 67/17 67/22 67/25 68/17 69/10 69/24 70/10 70/11 70/13 70/15 71/11 71/13 71/19 71/22 72/10 72/13 73/3 73/13 74/21 75/13 76/5 77/23 78/5 78/7 80/4 83/4 83/13 88/18 88/18 89/3 90/7 92/7 92/16 92/21 96/25 98/1 99/17 107/14 110/9 116/12 116/16 118/14 120/25 128/9 128/25 129/18 131/11 131/12 138/17 138/19 145/9 153/5 155/19 155/24 156/7 159/9 161/2 162/20 164/5 164/5 167/18 169/3 169/19 170/22 171/3 171/7 171/20 174/14 175/1 176/5 176/20 176/25 177/9 178/9 179/22 180/21 181/10 181/11 181/13 182/8 183/17 183/20 183/23 184/8 184/16 184/20 184/22 184/24 185/1 185/9 185/12 186/5 186/6 186/9 186/9 186/10 186/18 187/16 189/19 190/12 192/11 192/16 192/17 193/5 195/9 195/13 195/20 196/13 197/2 197/20 197/21 198/12 199/7 199/8 200/1 200/22 200/24 201/23 201/24 202/22 202/23 203/7 204/2 204/4 204/12 205/4 209/17 210/24 212/1 212/24 215/25 217/8 217/11 217/16 217/24 218/1 218/7 218/9 218/15 218/18 218/20 218/20 218/23 219/13 219/18 220/24 221/10</p>	
<p>5</p> <p>5 percent [11] 154/21 155/22 156/3 156/22 156/24 157/3 157/5 157/7 157/10 160/10 162/24 5-19-05 [1] 214/2 50 [1] 125/24 50,000 [2] 90/7 92/1 500 [2] 2/11 59/16 515 [1] 2/15 55 [3] 117/4 140/24 152/22 55-year [1] 121/8 57 [2] 82/23 82/25 5:00 or [1] 35/13 5:00 to [1] 35/21 5th [1] 49/17</p>		
<p>6</p> <p>6.7 percent [2] 102/9 104/12 6.75 percent [1] 115/15 64 [1] 210/4 64 months [1] 209/15 66 [1] 160/22 6:00 in [2] 35/13 35/21 6:30 or [1] 36/5</p>		
<p>7</p> <p>701 [1] 170/15 730 [2] 170/17 170/20 77002 [2] 2/7 2/15 77056 [3] 1/17 1/20 2/12 7:00 in [1] 36/5 7:00 or [1] 36/25 7:30 [1] 36/25</p>		
<p>8</p> <p>82,000 [1] 75/17</p>		

A Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 230 of 269		
<p>additional... [4] 94/24 97/21 104/17 122/7</p> <p>Additionally [1] 216/25</p> <p>address [2] 42/1 196/15</p> <p>addressed [1] 196/10</p> <p>addressing [4] 14/11 44/4 182/1 182/5</p> <p>adds [1] 82/25</p> <p>adjunct [2] 35/8 136/24</p> <p>adjust [2] 40/19 109/20</p> <p>adjusted [1] 123/20</p> <p>adjustment [1] 119/5</p> <p>adjustments [1] 125/17</p> <p>admin [1] 92/5</p> <p>administer [4] 40/13 51/5 76/15 168/25</p> <p>administered [1] 50/18</p> <p>administration [3] 166/13 167/3 167/16</p> <p>administrative [4] 36/14 48/13 92/12 92/13</p> <p>admissibility [1] 130/15</p> <p>admissible [2] 64/8 64/10</p> <p>admit [1] 7/4</p> <p>admitted [6] 64/23 64/24 131/2 131/4 168/16 168/17</p> <p>adult [1] 222/16</p> <p>advance [4] 55/10 95/22 128/4 128/6</p> <p>advanced [3] 73/21 73/23 73/23</p> <p>advancement [4] 57/13 80/9 97/3 97/4</p> <p>advantage [1] 91/12</p> <p>adverse [1] 19/9</p> <p>affect [2] 173/6 177/21</p> <p>affected [1] 179/3</p> <p>afield [1] 18/18</p> <p>after [41] 11/17 16/24 29/16 29/16 30/3 33/11 34/1 38/17 40/5 43/14 44/5 45/2 45/8 47/15 48/22 61/10 63/20 63/25 67/9 69/23 77/20 78/2 78/5 86/9 113/25 150/20 161/11 162/3 169/24 174/25 176/8 182/24 189/5 196/13 197/5 197/16 199/8 199/20 213/11 213/20 223/19</p> <p>aftermath [1] 185/3</p> <p>afternoon [3] 23/22 168/20 196/7</p> <p>afterward [5] 196/21 202/15 202/16 218/10 218/15</p> <p>afterwards [2] 196/15 218/13</p> <p>again [27] 26/8 36/17 48/4 55/8 61/16 64/1 68/19 68/25 71/13 100/4 118/25 126/20 133/16 154/9 157/10 157/14 165/25 166/16 174/11 181/8 190/7 191/8 194/18 215/16 215/17 215/17 216/8</p> <p>age [31] 44/10 82/15 82/23 117/4 123/16 140/17 140/24 140/24 142/23 142/24 148/23 149/15 149/16 149/18 149/21 149/25 150/1 150/10 150/10 150/13 150/13 150/13 150/14 151/6 151/9 152/19 155/6 155/9 156/17 158/24 159/8</p> <p>age 46 [2] 150/10 156/17</p>	<p>aggravated [1] 22/8</p> <p>agitated [1] 32/22</p> <p>ago [8] 62/25 63/6 63/19 64/16 152/10 185/19 185/19 222/9</p> <p>agree [17] 13/23 26/1 28/2 60/3 78/10 100/1 100/4 116/2 132/19 152/1 162/16 208/9 209/23 209/24 210/2 210/9 214/18</p> <p>agreed [2] 4/4 8/22</p> <p>agreement [1] 40/6</p> <p>ahead [1] 39/16</p> <p>aided [1] 1/24</p> <p>aircraft [5] 12/14 12/20 12/21 12/23 67/20</p> <p>alarmed [1] 195/12</p> <p>alcohol [9] 22/8 22/13 30/20 197/6 212/25 213/7 213/22 213/23 213/24</p> <p>algebra [1] 151/14</p> <p>all [207] 7/4 7/11 8/25 9/12 11/9 14/4 14/13 16/17 18/21 18/25 19/5 19/22 20/2 21/12 22/2 23/12 23/19 24/14 27/7 27/14 28/22 29/12 30/8 30/22 31/3 31/6 31/13 33/6 33/12 33/20 35/24 36/4 36/22 36/22 38/8 38/16 39/14 41/16 45/8 49/5 49/22 50/10 50/14 50/16 51/1 51/12 52/2 52/2 52/9 52/12 52/21 53/2 53/22 53/23 54/1 54/2 54/4 54/18 55/22 56/4 56/7 60/9 61/8 61/11 63/7 67/1 68/20 69/19 70/7 70/19 70/21 71/18 73/23 75/7 76/3 78/2 78/21 81/3 82/25 83/19 84/6 85/4 87/15 87/20 87/24 88/8 88/17 88/20 89/6 90/22 93/5 96/15 98/10 98/19 99/9 100/25 101/19 101/23 102/10 102/15 103/21 105/18 106/25 107/23 108/3 109/21 109/22 110/6 112/21 112/23 114/15 114/20 115/4 115/11 115/18 116/15 117/1 117/19 119/2 119/12 120/22 121/11 121/11 122/17 123/15 123/25 124/25 127/3 127/24 128/21 129/2 130/19 131/8 134/13 134/14 135/10 135/24 136/3 137/6 137/23 139/17 140/22 142/9 143/21 144/25 146/14 147/9 147/12 148/3 148/12 149/15 149/18 150/14 151/2 152/12 153/14 153/19 155/10 156/1 156/6 156/11 159/3 160/1 162/5 162/25 163/3 165/12 168/5 170/6 170/14 171/2 171/4 171/21 175/8 175/9 175/11 178/24 179/7 181/9 182/22 184/9 186/16 187/25 188/20 197/24 198/1 198/3 198/7 198/7 198/11 198/15 199/2 200/9 201/6 202/14 204/19 205/8 205/9 205/12 210/17 211/7 215/2 217/18 225/8 226/14 226/20 226/22</p> <p>all-passenger [1] 33/12</p> <p>alleged [7] 197/1 198/9 198/12 199/9 199/14 206/16</p>	<p>allegedly [1] 62/3</p> <p>alleging [1] 5/14</p> <p>alley [2] 39/4 39/6</p> <p>allow [7] 36/20 62/12 118/20 129/5 187/7 187/9 188/22</p> <p>allowed [4] 20/1 40/4 130/23 132/21</p> <p>allowing [1] 64/2</p> <p>alluded [1] 41/21</p> <p>almost [1] 106/21</p> <p>along [5] 37/2 141/3 173/10 175/24 204/17</p> <p>already [10] 4/13 8/24 14/9 75/25 76/25 97/1 110/16 146/23 171/19 218/17</p> <p>also [32] 22/22 27/18 31/4 34/8 42/7 44/7 45/25 57/12 71/14 77/18 78/6 79/9 79/11 80/19 80/23 100/18 105/15 115/24 118/6 119/3 121/21 139/20 147/3 155/20 172/23 173/11 173/22 187/11 190/5 193/25 200/13 202/2</p> <p>altercations [1] 22/7</p> <p>alternative [1] 47/18</p> <p>although [3] 112/3 196/12 208/24</p> <p>always [3] 34/23 173/14 226/4</p> <p>am [13] 15/14 21/19 43/6 60/18 97/15 120/5 131/11 151/24 158/9 172/5 184/20 197/9 212/1</p> <p>ambition [1] 57/17</p> <p>ambitions [1] 113/12</p> <p>American [6] 111/22 166/12 166/14 167/3 167/8 167/14</p> <p>amount [13] 86/17 90/24 104/12 107/12 108/7 109/7 109/8 110/18 112/18 116/5 117/19 155/11 159/15</p> <p>ample [1] 13/24</p> <p>anal [5] 200/17 201/5 201/8 201/16 201/21</p> <p>analysis [13] 79/1 79/24 82/13 83/13 89/4 93/10 117/3 119/9 121/24 122/4 123/14 135/15 143/6</p> <p>and UT [1] 74/18</p> <p>and/or [1] 89/18</p> <p>Andrew [3] 2/9 49/10 87/12</p> <p>angry [1] 23/5</p> <p>annual [5] 54/5 54/15 106/8 122/18 139/12</p> <p>annualized [3] 157/5 157/24 161/2</p> <p>another [23] 4/12 6/6 13/8 14/9 16/8 70/6 70/16 70/22 76/6 76/24 85/11 108/5 111/19 126/10 128/6 131/12 166/10 176/20 180/2 185/11 193/15 193/18 214/15</p> <p>answer [27] 11/7 34/17 39/18 41/21 91/3 91/20 93/9 118/5 118/8 118/11 118/21 120/16 122/20 122/21 153/6 157/16 161/8 161/9 166/15 166/21 167/17 185/5 188/13 191/21 194/13 195/2 203/10</p> <p>answered [1] 14/9</p> <p>answering [2] 118/12 223/12</p> <p>anthropology [2] 90/15 111/9</p>

A Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 231 of 269			Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 231 of 269
anticipate [4] 210/19 210/23 211/4 217/12	apply [19] 86/5 106/16 101/17 101/19 114/13 121/5 122/24 123/5 124/8 124/11 132/4 132/5 132/13 137/19 146/22 148/15 153/20 154/7 154/15	areas [12] 46/14 53/8 54/9 54/10 59/19 111/13 174/1 200/16 200/17 201/5 201/5 201/8	
anticipated [1] 155/14	applying [6] 122/21 132/4 138/6 144/19 150/5 152/21	areas [3] 82/16 93/21 223/17	
anticipating [1] 162/14	appraisal [1] 80/9	aren't [4] 12/24 23/15 158/10 205/22	
anticipation [1] 210/21	appreciate [2] 18/21 147/9	argue [1] 164/4	
anxiety [17] 33/2 34/18 51/24 207/12 207/14 207/16 207/19 207/23 207/25 208/1 208/7 216/2 216/5 224/11 224/13 224/21 224/23	appreciative [1] 39/21	arguing [4] 25/15 25/21 130/20 132/16	
anxious [2] 224/16 224/20	approach [10] 17/18 18/24 26/21 87/25 98/4 103/15 106/10 109/25 171/12 171/13	argument [4] 23/12 25/16 70/16 70/18	
any [102] 5/23 6/10 6/17 6/20 9/19 11/2 11/5 19/9 32/4 33/24 35/20 36/9 36/12 39/25 42/21 45/21 45/22 45/22 46/3 46/5 46/5 46/6 48/16 50/17 50/24 51/17 55/7 55/8 56/25 58/22 59/23 61/6 69/25 71/15 78/10 80/8 80/11 81/22 85/9 88/15 88/16 88/25 90/15 91/5 97/25 98/5 98/16 98/18 103/8 107/5 107/7 114/12 117/9 119/4 120/3 120/25 122/6 122/7 123/13 124/20 127/8 131/5 144/19 144/25 145/10 146/6 148/10 165/18 165/21 168/4 177/1 180/5 182/18 183/18 183/19 185/6 186/10 189/13 190/2 191/12 191/13 191/20 192/10 195/24 196/4 199/7 205/12 205/22 206/9 206/20 211/2 211/3 212/2 212/7 213/7 213/25 214/14 216/11 216/14 216/25 219/11 226/19	appropriate [6] 45/9 45/15 45/16 85/7 113/18 128/11	arguments [3] 23/11 23/13 25/23	
	approximate [1] 160/8	arithmetic [3] 105/23 137/24 140/8	
	approximately [6] 54/8 107/1 134/25 170/1 174/9 197/4	arms [1] 29/15	
	apricot [1] 69/5	Armstrong [12] 4/5 4/13 4/13 5/1 5/4 6/1 6/16 6/22 7/6 8/21 11/7 17/25	
	April [8] 49/17 79/15 79/16 79/16 79/19 82/20 83/10 87/23	around [17] 16/16 29/15 33/23 35/14 35/21 43/10 43/14 47/12 60/4 61/9 162/21 162/24 163/17 173/14 173/17 221/16 222/16	
	April 15th [7] 79/15 79/16 79/16 79/19 82/20 83/10 87/23	arranged [1] 13/4	
	arbitrary [1] 127/6	array [1] 92/2	
	are [195] 4/6 11/12 12/23 12/23 15/11 17/2 23/14 23/14 27/16 31/2 32/1 33/7 33/11 33/18 41/25 42/24 43/7 43/8 43/11 43/17 43/21 45/19 45/25 50/11 51/1 51/12 53/17 54/13 55/9 55/15 56/3 57/10 59/5 59/15 63/12 67/7 67/13 68/3 70/15 71/23 72/10 74/17 78/21 79/14 79/20 81/18 82/1 82/16 84/11 84/19 86/2 86/21 87/4 88/20 89/23 91/21 92/9 92/11 92/16 94/6 94/10 94/12 95/7 97/11 97/18 98/21 99/24 100/14 100/14 101/21 101/21 103/10 103/12 104/15 104/24 105/9 106/21 107/23 109/3 109/3 109/5 110/23 111/8 111/20 111/21 111/23 112/10 122/14 122/17 122/18 122/19 122/21 123/3 125/18 130/21 132/22 134/8 134/11 141/6 142/11 142/16 155/3 155/18 155/18 156/22 158/7 158/10 158/20 159/1 162/2 162/3 162/4 162/7 162/11 162/14 162/23 163/1 163/4 163/5 163/8 163/8 166/18 167/15 167/22 167/24 168/9 168/16 168/17 168/18 171/10 172/25 174/2 174/18 176/13 179/22 182/4 182/4 182/9 182/10 183/19 184/1 184/6 185/2 185/23 186/1 186/2 186/22 186/23 187/3 187/4 188/10 188/10 188/11 188/23 189/7 190/2 191/7 192/19 193/14 194/1 194/2 194/14 196/18 197/1 198/7 201/1 202/16 203/25 205/8 205/9 206/8 206/14 206/22 207/2 207/3 207/16 208/2 209/18 209/22 211/2 211/3 211/7 213/5 215/2 216/16 218/7 218/9 218/18 218/22 218/22 219/17 224/15 225/24 226/6 227/1	artist [1] 187/20	
		arts [1] 98/13	
		artwork [1] 190/4	
		as [211] 7/14 8/13 11/14 22/4 22/5 22/11 23/7 23/20 25/5 25/7 25/12 25/19 25/19 26/2 27/15 28/22 29/10 30/19 31/8 32/24 32/24 33/11 35/8 36/18 37/2 42/1 42/2 42/13 42/15 42/17 43/23 43/23 44/3 44/3 44/20 44/20 45/4 45/13 45/17 45/17 47/3 48/12 48/23 49/15 50/4 52/4 54/23 55/20 56/12 61/15 63/10 63/17 64/14 64/19 67/7 67/17 70/8 71/23 74/7 75/20 76/8 77/19 78/1 80/10 81/1 85/20 85/20 86/7 86/7 89/1 90/4 90/25 91/7 91/19 92/10 92/12 92/13 93/23 95/15 95/15 97/3 97/6 98/15 98/15 98/15 98/20 98/22 99/2 99/2 99/7 100/13 100/19 101/1 102/19 104/15 105/1 105/7 105/15 105/18 106/13 108/1 108/12 109/14 110/18 110/18 113/13 113/21 114/11 119/20 119/23 119/24 120/1 120/18 123/2 125/21 125/22 126/9 127/12 130/22 131/5 131/13 131/13 131/15 131/20 132/4 132/17 132/20 133/15 134/21 135/13 136/20 136/23 138/9 139/25 139/25 140/8 141/3 142/15 143/1 143/3 143/12 143/12 144/5 144/5 144/8 144/14 144/23 145/7 145/16 145/20 147/10	
anybody [3] 11/7 75/4 75/16			
anymore [1] 184/24			
anyone [6] 6/13 6/19 9/17 9/22 48/20 50/10			
anything [31] 6/13 9/16 19/3 30/1 32/17 36/5 37/5 37/12 64/10 67/23 71/15 76/2 89/4 97/13 121/18 128/25 130/10 138/10 176/15 181/16 183/8 191/17 201/24 202/23 203/2 205/13 212/8 218/17 222/10 223/18 226/24			
anyway [4] 14/16 62/6 68/6 71/14			
anywhere [4] 10/5 110/15 121/15 129/12			
apart [1] 83/21			
apologize [6] 68/25 94/9 110/8 115/3 139/23 179/17			
apparent [1] 201/17			
apparently [3] 106/1 142/20 159/22			
appear [2] 55/12 72/13			
appearance [1] 173/8			
appears [3] 109/11 122/20 141/9			
apple [1] 67/19			
apples [1] 55/24			
application [1] 57/17			
applied [14] 116/20 117/7 124/15 124/16 124/17 132/13 137/21 146/25 147/1 147/3 147/5 150/4 153/17 167/20			
applies [5] 85/4 127/8 131/2 141/10 150/5			

as... [60] 147/10 150/16
 151/1 152/14 158/5 158/22
 159/6 159/6 159/20 159/25
 160/2 160/5 160/9 163/1
 164/22 166/21 168/1 168/1
 169/6 169/6 175/6 178/1
 181/18 181/18 181/24 182/24
 184/17 184/17 185/3 185/17
 186/21 186/21 187/4 187/4
 187/15 193/1 193/1 194/18
 194/20 202/1 203/5 203/15
 209/19 209/19 209/20 209/25
 212/5 213/21 215/1 215/2
 215/2 216/12 216/16 216/17
 217/25 217/25 218/25 219/11
 225/25 225/25
 aside [2] 14/6 62/19
 ask [39] 9/5 10/1 14/14 17/21
 18/18 19/12 20/8 21/19 61/7
 67/22 70/11 70/13 70/14 80/4
 81/11 87/16 87/16 100/6
 110/3 111/25 118/11 134/21
 154/25 158/11 164/16 165/5
 166/7 166/24 169/7 171/3
 174/14 176/20 179/23 182/22
 193/2 196/8 203/9 212/12
 221/10
 asked [30] 11/5 13/6 14/8
 14/9 14/18 14/22 15/13 26/14
 58/25 62/3 65/19 65/20 67/25
 68/17 70/10 78/15 114/3
 165/3 165/18 185/9 188/12
 197/6 198/17 199/20 199/25
 200/2 200/3 212/24 224/22
 225/15
 asking [21] 12/6 14/7 21/16
 29/3 33/21 74/20 110/23
 116/12 118/12 120/5 134/1
 155/6 156/21 186/11 188/14
 193/14 194/24 199/17 212/3
 220/24 227/1
 asleep [3] 173/13 177/4
 178/11
 aspect [6] 167/25 173/3
 177/14 190/12 203/7 218/21
 aspects [2] 172/11 177/16
 assault [13] 46/21 46/25
 48/10 182/24 196/21 196/23
 197/2 198/9 198/12 199/9
 199/14 206/17 208/6
 assaulted [7] 200/8 201/7
 203/1 211/15 217/3 217/6
 219/5
 assaults [1] 211/19
 asserted [4] 64/23 68/9 69/3
 69/6
 assertiveness [4] 185/22
 186/8 186/9 186/13
 assess [5] 41/25 50/3 51/6
 170/4 183/8
 assesses [2] 131/14 142/15
 assessing [3] 179/15 179/18
 205/25
 assessment [24] 43/1 43/13
 43/16 43/23 44/15 45/1 45/22
 46/3 46/4 46/13 47/7 47/11
 48/15 48/22 59/22 80/17 88/7
 119/7 119/8 142/15 143/2
 144/4 147/4 180/13
 assist [2] 30/25 181/16

associate [3] 75/20 89/18
 165/11
 Associate's [7] 73/5 83/25
 84/4 89/10 94/22 94/25 95/16
 associated [1] 172/25
 associates' [1] 195/21
 assume [29] 21/17 27/21 29/2
 34/3 34/24 97/1 97/9 113/19
 119/3 120/8 120/11 122/6
 125/18 125/23 126/9 127/2
 131/24 136/4 137/10 138/6
 140/23 141/20 141/21 142/20
 142/21 142/23 196/22 199/20
 201/14
 assumed [10] 89/6 101/12
 102/1 117/7 118/25 127/8
 132/11 136/4 136/21 140/11
 assumes [7] 112/8 119/25
 120/20 127/2 127/2 127/3
 127/3
 assuming [11] 29/1 65/7 94/12
 97/11 111/4 128/15 128/16
 134/8 141/8 142/11 148/3
 assumption [29] 72/9 72/18
 83/24 95/20 96/24 112/12
 119/6 126/9 126/25 127/4
 127/4 127/4 127/5 128/7
 128/12 129/6 134/5 135/3
 135/16 140/8 140/25 141/11
 141/23 141/25 142/13 142/19
 143/1 145/9 163/11
 assumptions [14] 21/16 21/20
 39/3 63/12 72/8 96/16 98/1
 100/23 125/14 127/8 128/25
 129/5 137/16 140/4
 at [283]
 ate [2] 67/19 69/5
 Ativan [1] 215/3
 attack [1] 187/17
 attacking [1] 126/7
 attend [2] 37/7 37/8
 attending [3] 37/12 37/23
 37/24
 attention [4] 26/24 65/18
 71/24 185/18
 attenuated [1] 70/17
 attorney [2] 1/18 50/5
 attorneys [3] 48/16 49/15
 203/4
 attributed [3] 177/15 192/8
 192/8
 August [3] 174/9 182/23
 215/16
 August 22nd [1] 174/9
 Austin [1] 77/18
 authorities [1] 28/8
 automatic [1] 115/18
 availability [1] 9/15
 available [6] 18/20 57/11
 70/8 70/16 80/3 163/5
 avenue [1] 73/10
 average [29] 52/8 52/23 54/5
 54/7 54/11 54/14 54/18 55/17
 55/22 55/23 55/24 75/1 75/18
 75/22 87/4 90/8 103/12
 107/13 107/14 107/18 107/19
 107/20 108/23 109/12 109/14
 140/20 141/9 162/20 162/20
 avoid [6] 172/24 173/1 177/8
 177/10 206/7 222/16
 avoidance [2] 176/25 206/5
 avoidant [4] 172/23 177/8

avoidant/numbing [1] 178/2
 avoided [2] 24/3 65/21
 avoids [5] 189/24 206/6 206/8
 206/9 207/3
 aware [11] 8/18 9/21 15/11
 135/8 135/9 189/14 190/3
 209/7 215/2 217/2 217/5
 away [5] 39/3 61/13 188/24
 194/18 194/18
 awful [2] 59/2 127/20
 awfully [1] 127/19

B

B182 [1] 213/10
 B195 [1] 214/11
 B256 [1] 164/9
 babies [1] 37/13
 babysat [1] 38/5
 Bachelor's [15] 42/6 73/6
 84/8 84/9 89/12 89/18 94/25
 95/16 97/13 97/17 165/11
 166/9 166/11 167/1 167/2
 back [75] 5/10 7/17 11/1 19/6
 27/25 30/4 36/8 36/9 38/17
 38/20 42/3 43/16 44/3 44/5
 45/3 45/9 47/14 47/17 49/14
 57/6 59/20 65/18 66/1 68/13
 70/3 72/3 72/15 72/23 74/22
 74/24 74/25 76/4 82/7 84/1
 84/17 85/25 89/6 96/15
 100/12 106/3 110/11 110/11
 112/23 114/23 119/12 133/19
 136/10 147/12 154/5 154/7
 154/12 158/22 164/23 174/11
 181/8 182/8 185/5 189/8
 192/17 192/20 192/22 192/24
 192/25 192/25 194/17 194/21
 200/4 202/1 214/11 216/6
 220/17 223/13 223/19 223/20
 225/25
 background [6] 41/14 43/24
 53/14 77/15 166/3 191/10
 backs [2] 110/10 112/8
 bad [2] 173/15 188/12
 Baghdad [3] 201/20 202/5
 202/20
 balanced [1] 164/2
 bandwidth [1] 118/19
 bank [3] 86/16 100/8 100/9
 banks [1] 162/23
 bar [3] 22/17 22/20 22/21
 Barron [3] 2/14 227/12 227/13
 base [6] 79/7 87/21 92/23
 102/5 115/19 143/6
 baseball [1] 75/8
 based [60] 43/22 44/23 45/10
 45/14 47/5 50/21 52/17 53/2
 53/4 59/4 67/2 67/2 67/3
 73/1 73/4 80/15 81/4 83/12
 85/7 86/22 89/1 90/8 94/11
 103/10 103/12 103/21 103/23
 104/20 105/18 106/8 106/13
 106/22 107/15 107/17 107/19
 110/17 119/6 119/8 119/23
 119/25 121/23 122/4 129/15
 131/25 135/17 135/19 137/16
 141/1 142/20 143/1 143/5
 144/4 146/6 147/3 155/19
 155/20 160/4 161/4 164/18
 182/11
 baseline [8] 90/4 93/23 101/1

B Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 233 of 269		
baseline... [5] 109/19 117/2 122/25 123/17 152/16 basic [2] 90/1 110/10 basically [18] 32/17 41/24 46/4 46/17 78/4 79/20 82/6 82/24 86/15 86/17 128/12 131/16 131/20 163/2 163/15 197/13 200/19 206/22 basing [2] 103/21 103/23 basis [9] 8/24 52/4 105/2 120/13 125/15 125/16 127/16 134/7 203/7 bathroom [3] 200/17 203/17 203/21 battered [2] 219/4 221/12 be [244] be careful [1] 131/22 bear [1] 206/15 bearing [1] 180/5 bears [1] 127/7 became [2] 23/5 201/17 because [80] 6/6 8/19 10/13 13/4 15/22 16/1 16/2 16/6 19/18 19/24 19/25 21/17 24/21 25/14 25/21 28/20 29/23 31/12 33/7 34/11 34/18 34/24 39/1 48/2 50/21 57/10 62/14 64/13 69/1 70/2 71/18 75/16 84/11 84/18 84/19 94/24 98/19 98/21 99/2 99/6 99/14 103/22 107/8 108/7 110/1 110/22 115/21 122/6 122/7 123/7 125/3 126/5 127/15 128/21 128/25 129/17 131/15 132/6 133/7 143/13 146/7 146/10 154/21 158/10 160/1 161/9 166/16 167/18 184/24 185/7 185/16 191/6 192/19 194/8 199/13 207/3 207/18 210/5 210/7 216/3 because -- I [1] 25/14 become [10] 73/11 87/17 128/12 142/14 147/2 163/12 173/19 188/15 191/24 198/4 becomes [3] 32/22 101/18 154/1 becoming [4] 197/9 197/19 197/25 198/3 bed [11] 13/7 198/21 199/2 199/21 200/11 202/17 202/22 203/16 220/5 221/21 222/6 been [111] 5/15 9/12 9/18 12/5 13/24 14/9 16/21 19/4 25/5 25/13 25/20 25/21 25/23 27/10 27/12 27/15 30/24 34/5 37/23 37/24 39/9 39/10 42/18 43/10 45/8 46/22 47/1 49/10 52/3 53/5 54/3 64/4 65/11 65/12 66/24 67/3 68/16 70/9 71/19 71/25 72/1 73/7 75/4 75/24 76/24 76/25 78/8 79/3 80/2 82/9 82/17 83/1 87/18 93/12 116/12 118/18 128/20 139/4 140/16 140/19 143/4 148/3 169/23 169/25 174/11 174/16 177/4 180/22 187/1 189/19 191/25 192/18 196/12 196/18 196/24 197/3 197/17 197/18 197/21 198/8 200/6 200/8 201/3 201/7 203/1	204/20 204/17 204/21 205/5 206/10 208/1 208/14 209/9 209/24 210/15 212/4 214/5 214/23 214/24 214/25 215/1 215/20 215/23 215/24 217/3 219/5 224/5 224/6 225/1 225/12 225/14 before [51] 1/10 4/11 4/20 7/4 12/13 27/18 28/18 28/19 28/20 31/11 40/13 40/16 51/4 60/13 70/3 76/15 76/16 80/16 87/13 92/22 94/19 97/6 99/23 108/2 111/16 114/11 116/5 116/15 120/15 127/18 143/1 144/8 144/23 145/13 146/12 148/13 151/1 166/16 168/24 169/3 187/16 190/6 191/25 197/18 211/4 214/2 214/5 218/8 218/8 222/20 225/9 began [8] 22/25 23/5 63/25 111/17 184/15 197/7 197/18 197/24 begin [1] 212/15 beginning [20] 20/11 26/20 26/25 54/23 55/21 63/21 74/3 99/12 150/17 150/24 151/1 177/5 177/19 178/12 178/13 178/15 180/24 180/25 203/15 215/2 behavior [2] 219/18 222/16 behavioral [3] 182/11 185/11 219/20 behaviors [2] 172/24 176/25 behind [1] 34/24 being [45] 4/14 12/18 13/6 17/2 22/5 24/6 31/8 40/11 43/4 43/7 47/12 47/13 50/12 58/19 64/22 64/24 67/4 68/9 69/2 69/17 71/7 73/1 76/13 94/9 159/23 168/19 169/24 169/25 172/15 172/22 173/4 177/15 177/15 178/23 182/19 182/24 183/4 187/1 194/9 204/20 211/17 212/6 212/7 219/3 222/16 beings [1] 209/22 belay [1] 12/17 belief [3] 29/17 29/19 29/21 believe [58] 9/17 22/13 24/16 25/20 28/25 29/3 29/6 29/7 29/10 29/12 29/23 30/14 35/11 36/10 38/1 38/8 38/17 42/14 47/5 47/7 49/17 52/3 59/24 63/23 64/2 66/8 66/10 66/11 74/1 80/19 81/3 83/20 84/21 84/22 85/4 87/13 88/17 109/21 112/5 126/9 134/2 134/18 140/14 142/4 145/21 146/7 149/18 156/22 160/9 160/10 165/17 193/21 208/14 209/8 220/5 221/22 222/21 225/11 believed [2] 68/12 132/18 belongs [1] 113/16 bench [11] 60/16 66/2 66/4 66/6 66/9 66/19 67/2 67/11 71/5 71/22 71/25 benefit [10] 115/22 116/7 116/8 116/8 134/5 134/22 136/1 136/11 136/18 137/3 benefits [23] 54/5 101/2 101/4 101/4 101/5 101/9	101/10 123/23 134/7 134/10 134/14 134/16 134/17 134/18 134/19 135/5 135/11 135/19 135/23 136/5 136/7 136/15 150/20 best [6] 72/14 121/25 131/15 142/15 181/13 223/16 better [8] 6/6 23/17 41/6 41/7 41/8 126/15 164/15 179/24 between [29] 22/11 36/12 52/15 55/16 75/5 77/25 83/20 85/10 90/16 98/7 99/6 101/12 108/14 110/9 113/25 150/20 151/4 151/23 152/18 152/23 155/19 156/22 157/17 160/10 207/11 207/17 207/18 207/25 218/3 beyond [5] 10/7 74/1 104/16 104/17 188/14 big [6] 35/5 85/21 111/6 159/6 206/10 207/20 bigger [7] 101/18 110/12 111/11 152/14 153/9 153/16 153/21 biggest [2] 128/8 184/10 bill [4] 86/19 155/16 160/3 163/7 billing [1] 43/10 bills [3] 163/15 163/19 163/20 biology [1] 54/2 bird [7] 12/12 12/13 12/14 12/16 12/18 13/5 19/14 Birds [2] 13/1 13/3 birthday [1] 226/13 bit [14] 49/14 60/15 81/24 84/12 84/24 112/22 169/19 171/3 171/20 171/23 192/1 193/1 217/10 223/14 bits [1] 23/14 Blake [1] 2/4 blame [2] 25/18 133/10 blameless [1] 25/12 bleeding [1] 221/19 blemishes [1] 226/14 blind [1] 109/5 blood [1] 30/15 bloodshot [1] 30/19 blow [4] 99/13 99/16 139/24 146/16 blown [1] 210/17 BLS [3] 90/11 90/18 90/18 blurring [1] 198/3 board [7] 41/15 41/16 41/17 80/11 153/7 158/25 195/3 boat [1] 32/13 body [4] 80/3 198/16 202/25 203/17 bogus [2] 75/3 75/4 book [3] 65/12 65/13 70/13 books [2] 54/4 166/4 boot [1] 31/12 BORTZ [11] 2/8 13/6 13/11 13/12 26/8 49/10 87/12 196/8 213/4 213/9 215/6 both [25] 18/22 20/5 25/15 29/18 39/9 39/10 123/7 123/7 132/7 147/1 147/5 148/15 148/16 150/6 150/6 150/20 172/8 172/18 175/20 183/3 184/24 195/22 198/25 208/11

B Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 234 of 269		
<p>both... [1] 218/12 bottled [1] 8/2 bottom [9] 54/7 83/14 102/16 102/18 102/20 108/1 108/9 139/20 139/20 bottom-line [4] 102/18 102/20 108/1 108/9 bought [1] 133/16 bounce [1] 112/3 bound [1] 126/14 bounds [1] 70/14 bowling [4] 23/5 24/22 39/4 39/6 Box [1] 105/9 boxed [1] 8/2 boxes [1] 105/8 boyfriend [1] 216/18 bra [2] 12/2 12/7 brand [1] 54/25 brand-new [1] 54/25 Brandon [1] 2/10 break [12] 60/8 92/8 112/19 112/20 112/23 119/11 119/12 147/8 148/13 181/24 195/12 195/19 breakdown [1] 53/20 breaking [1] 79/19 breaks [3] 8/19 10/13 85/2 Breanna [1] 65/20 breast [8] 201/5 201/8 201/23 201/25 202/5 220/13 223/19 223/24 breasts [6] 200/16 220/14 220/16 220/18 224/2 224/8 brief [1] 38/10 briefly [2] 53/12 71/1 bring [20] 7/25 12/2 14/13 19/17 20/1 26/19 28/11 34/19 50/16 52/21 62/12 62/24 66/1 68/3 70/14 128/5 135/24 189/7 215/5 215/6 bringing [1] 8/6 brings [5] 57/16 91/23 103/7 192/25 192/25 broad [3] 53/8 53/9 92/2 broke [3] 134/1 195/11 195/15 broken [3] 79/14 82/14 195/10 brought [6] 7/22 8/5 12/3 65/18 67/10 127/18 BROWN [2] 1/6 1/7 bruise [1] 201/14 bruised [4] 201/4 201/8 219/4 221/12 bruising [3] 221/14 221/15 221/17 brusqueness [1] 115/4 brutal [1] 36/8 buckets [1] 79/20 bucks [2] 156/4 157/6 build [2] 170/4 184/11 building [9] 170/21 170/22 170/23 170/24 195/11 195/12 195/14 195/15 218/1 built [1] 207/19 bunch [2] 23/13 137/24 Bureau [7] 53/14 80/20 80/23 86/24 87/1 90/3 91/2 burial [1] 68/15 buried [5] 6/7 6/11 15/12 17/3 68/11</p>	<p>buying [1] 6/14 business [5] 100/19 166/13 167/3 167/15 206/25 but [202] 4/21 8/18 8/22 9/7 9/25 10/4 10/5 10/12 11/13 11/16 12/18 13/16 14/15 14/22 16/3 22/7 22/21 23/9 23/23 24/8 25/7 27/12 28/19 30/13 34/3 34/16 35/16 35/19 36/4 36/21 37/5 37/11 40/17 41/21 50/21 51/22 52/24 54/21 56/10 56/14 59/4 59/15 60/16 61/4 61/15 61/20 61/23 62/1 62/6 62/17 63/1 63/15 68/20 68/25 69/6 70/19 71/8 71/14 71/24 71/25 73/9 73/16 74/12 76/2 76/18 78/22 79/1 79/3 79/9 82/16 84/19 85/2 85/18 86/22 87/22 88/19 88/25 89/24 89/25 89/25 90/10 91/7 91/17 92/8 92/16 93/2 93/4 93/10 93/24 95/13 95/21 96/9 96/11 97/5 97/25 98/3 98/19 99/1 99/7 100/1 100/4 102/15 106/14 110/13 111/4 111/23 112/4 112/7 112/12 112/23 113/4 113/7 113/15 113/21 114/4 114/9 114/11 114/13 118/16 118/18 118/21 122/8 122/14 123/4 123/11 125/16 126/6 126/10 126/24 129/2 130/2 130/5 130/21 131/24 132/1 132/6 132/19 134/20 135/7 136/5 137/1 138/3 138/6 138/10 140/18 140/22 141/4 141/5 141/6 141/18 144/10 144/14 145/7 145/19 146/5 147/18 148/3 148/5 150/3 150/7 151/10 151/25 153/1 155/7 155/18 155/20 157/10 157/19 157/20 158/23 159/22 160/2 160/5 161/19 161/21 163/8 166/3 166/19 166/20 167/6 167/11 167/17 169/4 169/7 178/3 178/13 181/25 183/19 184/22 187/24 188/13 192/1 195/13 198/14 200/18 202/2 206/2 212/3 219/19 220/17 225/8 225/11 but-for [1] 79/1 buttocks [1] 221/16</p>	<p>calculator [6] 87/9 115/9 148/10 148/23 157/23 158/5 California [1] 225/8 call [12] 26/24 40/8 44/9 76/8 76/9 79/1 114/23 185/18 189/9 212/21 217/25 224/17 called [8] 14/10 99/22 99/23 114/9 173/11 180/3 182/10 184/2 calling [1] 71/11 calm [2] 182/14 182/24 came [12] 36/20 38/25 66/2 66/9 127/23 135/7 157/3 184/10 195/15 199/20 201/24 202/1 camp [2] 9/22 31/12 campus [4] 36/13 55/2 75/6 189/25 can [161] 4/3 9/5 9/7 9/9 9/12 9/14 9/16 10/1 10/4 10/5 11/11 12/20 14/14 21/17 22/2 23/16 24/24 25/17 28/22 32/13 33/24 34/11 35/18 40/20 41/4 41/8 42/4 43/13 50/6 50/7 50/8 51/23 52/24 56/25 57/1 57/3 57/5 57/21 61/1 61/22 62/14 72/5 77/15 77/23 81/10 81/19 81/23 84/24 92/19 93/3 93/3 97/23 98/6 98/14 99/9 99/24 99/25 100/4 104/4 105/4 105/12 105/18 106/13 112/2 112/23 112/24 113/18 114/23 122/6 122/11 122/22 125/14 125/14 125/22 126/3 129/20 129/22 131/16 131/24 133/13 134/21 134/25 139/14 139/19 139/24 142/4 143/11 143/15 144/2 144/5 144/12 144/25 145/1 146/13 147/10 150/5 152/14 153/1 158/3 158/15 159/7 162/12 163/6 166/21 167/25 169/7 169/19 169/24 170/3 170/3 170/4 170/21 171/16 171/22 174/6 174/8 174/14 174/17 174/20 174/21 175/13 179/24 180/8 181/1 181/13 181/21 181/24 181/25 182/14 182/18 183/14 184/3 184/8 185/5 185/13 186/6 188/23 189/5 190/18 191/21 193/12 193/14 194/11 195/2 195/25 198/7 198/11 200/21 205/18 205/22 206/2 207/7 207/11 207/17 213/10 216/7 217/25 218/14 219/15 223/16 224/25 can't [27] 9/7 32/17 99/2 110/21 110/22 112/4 125/23 126/1 126/17 130/5 130/8 144/25 145/10 148/5 155/6 158/9 158/22 159/22 159/25 160/5 161/14 166/22 205/15 205/17 205/17 210/6 221/3 canceled [1] 133/2 cannot [6] 51/22 57/20 112/11 120/14 127/16 149/17 cap [1] 121/13 capable [4] 59/5 131/15 145/23 164/22 capacity [28] 14/23 15/1 44/22 46/5 79/12 80/9 83/11</p>
C		
	<p>cabinet [1] 195/23 calculate [5] 90/8 101/1 137/13 150/16 158/9 calculated [5] 106/7 137/25 139/10 139/13 158/10 calculating [9] 52/4 72/7 112/16 119/20 122/17 122/18 141/20 150/17 150/24 calculation [29] 83/8 89/3 102/10 106/2 107/22 108/12 110/17 112/17 116/1 124/6 124/21 126/17 132/6 135/21 135/23 135/24 139/12 148/15 148/16 151/5 156/6 157/10 158/3 158/7 161/21 161/22 163/9 163/9 165/21 calculations [7] 86/22 88/19 89/5 103/23 127/15 148/14</p>	

C Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 235 of 269			clients [11] 23/70/4 409/10
capacity... [21] 89/4 90/17	changed [5] 23/4 119/10	180/23 180/24 215/25	179/11 181/5 184/6 185/3
93/17 94/11 98/7 98/12	changing [2] 31/3 31/6	Chapman [20] 17/11 17/16	187/13 188/11 208/25 208/25
111/12 116/18 119/10 122/1	19/17 19/24 20/1 20/10 61/17	62/13 63/5 63/16 63/17 63/25	209/3
123/12 128/13 131/17 143/3	64/2 64/18 64/19 66/9 66/17	66/21 69/8 69/24	clinic [1] 203/21
143/6 144/3 144/15 144/17	Chapman's [2] 65/22 69/14	characterization [1] 22/10	clinical [10] 169/17 169/22
145/8 147/4 166/25	characterize [1] 22/6	charitably [1] 69/14	169/23 170/2 171/5 171/10
captain [1] 57/23	charity [1] 109/7	CHARLES [6] 2/8 13/11 13/12	174/2 181/11 186/21 191/21
captured [1] 161/18	49/10 87/12 196/8	chart [7] 124/15 148/19	Clinically [1] 181/3
captures [1] 97/6	165/20 166/8 175/15 181/17	215/24	clipped [2] 19/2 67/13
car [5] 37/9 37/14 191/17	charts [2] 125/6 165/14	check [1] 103/18	cloak [1] 130/6
210/15 211/17	checking [1] 156/23	cheek [1] 30/15	close [16] 10/6 29/9 30/8
cards [1] 32/13	Cher [1] 110/3	cherrywood [1] 195/19	33/25 34/19 58/18 75/10 90/5
care [5] 7/11 27/22 30/2	Cheryll [3] 2/14 227/12	227/13	90/10 95/13 97/5 97/15
36/15 109/4	Chester [1] 1/22	Chicago [1] 41/20	140/12 143/15 160/10 183/6
career [13] 47/3 47/24 48/7	Chief [4] 27/25 28/16 28/22	29/11	closer [3] 41/1 77/14 94/17
55/16 57/13 73/10 73/25	Chief Diaz-Pelot [4] 27/25	28/16 28/22 29/11	closing [2] 67/16 71/14
75/22 89/1 97/2 97/4 141/2	child [2] 37/15 37/25	children [7] 37/20 37/24 38/5	clothes [1] 12/3
141/3	57/7 109/4 145/25 210/16	Children's [1] 216/19	clothing [3] 10/16 200/18
careers [3] 55/10 141/7 194/1	choice [4] 57/3 146/2 182/12	186/9	200/19
careful [2] 6/6 131/22	choose [2] 70/11 101/17	chose [1] 65/23	clue [2] 110/9 110/21
Carnival [1] 31/24	chosen [1] 57/10	Christian [1] 46/22	CM [1] 2/14
carry [3] 32/1 217/18 217/20	circumstance [1] 34/14	circumstances [1] 56/12	CMR [1] 227/13
case [41] 4/14 11/10 19/1	claim [1] 108/6	claimed [3] 7/22 9/18 9/22	cognitive [3] 182/10 185/11
42/18 42/24 43/9 45/8 49/16	claiming [1] 65/10	claims [1] 69/19	219/19
50/10 61/14 67/13 67/16	clarified [1] 21/14	class [8] 36/2 36/4 36/21	cohort [6] 56/19 91/25 92/1
67/22 68/2 68/3 68/21 69/8	36/24 37/8 37/10 37/12 38/6	classes [4] 37/7 38/3 122/7	92/6 93/21 93/22
70/14 75/11 78/14 78/15 79/8	146/11	classified [1] 64/25	collaborated [1] 70/12
79/12 87/17 93/17 108/2	classroom [3] 36/18 36/19	classified [3] 92/10 92/12	college [40] 36/13 42/5 45/3
110/22 126/22 127/23 173/21	145/20	146/11	45/13 47/16 48/24 50/22 51/2
174/21 174/22 180/3 188/17	clear [14] 68/24 93/9 94/9	clear-cut [1] 194/13	51/5 52/6 52/9 52/15 52/16
189/10 190/21 192/18 192/19	95/13 102/22 119/6 135/2	clearly [4] 19/20 113/3	52/17 52/22 53/2 53/7 53/22
196/11 210/8 216/3	138/20 140/12 140/22 194/13	126/23 149/17	54/23 55/5 55/9 55/9 55/22
cases [4] 78/22 105/3 167/5	202/7 202/9 216/16	clerk [1] 48/13	56/4 72/23 74/3 74/5 75/4
203/25	clear-cut [1] 194/13	client [18] 20/16 50/3 60/23	75/6 77/16 78/3 89/1 95/23
casts [2] 25/10 25/11	clearly [4] 19/20 113/3	62/15 63/24 179/16 179/18	111/16 113/7 114/7 114/10
category [1] 99/11	clearly [4] 19/20 113/3	179/19 205/9 205/10 208/21	146/8 189/25 206/24
Cates [2] 2/3 5/4	clearly [4] 19/20 113/3	210/7 210/11 212/15 213/7	colleges [1] 53/23
cause [8] 35/3 60/5 138/7	clearly [4] 19/20 113/3	216/25 217/24 218/4	column [113] 82/13 82/17
138/7 138/10 173/24 192/7	clearly [4] 19/20 113/3		83/11 99/15 99/18 102/12
227/8	clearly [4] 19/20 113/3		103/15 104/10 104/12 106/6
caused [2] 9/17 60/1	clearly [4] 19/20 113/3		107/11 107/17 109/11 109/11
causes [5] 109/7 112/12	clearly [4] 19/20 113/3		116/7 116/15 116/16 116/17
138/13 181/12 219/1	clearly [4] 19/20 113/3		116/24 117/1 117/4 117/6
causing [1] 47/9	clearly [4] 19/20 113/3		117/12 117/13 117/17 119/19
caution [1] 71/12	clearly [4] 19/20 113/3		119/19 119/19 120/19 120/19
celebrate [1] 226/13	clearly [4] 19/20 113/3		122/12 122/18 122/20 122/20
cement [1] 195/13	clearly [4] 19/20 113/3		122/22 123/7 123/9 123/20
Census [1] 87/1	clearly [4] 19/20 113/3		124/4 124/7 124/16 124/16
certain [12] 34/22 35/1 79/3	clearly [4] 19/20 113/3		124/17 124/18 124/18 132/11
93/24 100/23 164/17 172/2	clearly [4] 19/20 113/3		132/12 132/14 132/14 134/2
184/23 187/3 224/15 224/17	clearly [4] 19/20 113/3		134/5 136/3 136/3 136/12
224/18	clearly [4] 19/20 113/3		136/23 137/9 137/11 137/14
certainly [17] 31/8 54/24	clearly [4] 19/20 113/3		137/14 137/22 139/7 139/9
64/11 64/13 68/3 177/9	clearly [4] 19/20 113/3		139/17 139/18 139/19 139/20
178/11 184/25 187/10 190/4	clearly [4] 19/20 113/3		140/4 140/6 140/7 140/7
190/18 191/5 192/15 203/11	clearly [4] 19/20 113/3		140/12 140/13 140/21 141/9
203/13 205/24 207/20	clearly [4] 19/20 113/3		141/14 141/16 141/17 141/18
Certification [1] 227/7	clearly [4] 19/20 113/3		142/2 142/5 142/6 142/19
certified [5] 41/15 41/16	clearly [4] 19/20 113/3		146/14 146/16 148/16 148/16
41/17 41/19 45/23	clearly [4] 19/20 113/3		148/24 148/25 149/1 149/3
certify [1] 227/8	clearly [4] 19/20 113/3		149/3 149/5 149/7 149/9
cetera [5] 46/12 53/24 57/18	clearly [4] 19/20 113/3		149/21 149/23 150/3 150/9
92/5 92/6	clearly [4] 19/20 113/3		150/12 150/12 150/14 150/23
challenged [2] 126/2 133/13	clearly [4] 19/20 113/3		151/3 151/12 151/13 152/23
challenging [1] 191/4	clearly [4] 19/20 113/3		152/24 153/7 153/8 153/11
chance [10] 16/8 19/11 19/12	clearly [4] 19/20 113/3		153/16 154/16 162/9
23/25 33/5 65/25 70/6 75/17	clearly [4] 19/20 113/3		Column 10 [16] 137/9 137/11
118/21 148/10	clearly [4] 19/20 113/3		137/14 139/20 141/18 148/16
chances [1] 8/1	clearly [4] 19/20 113/3		149/1 149/3 149/23 150/3
change [4] 35/7 120/2 145/6	clearly [4] 19/20 113/3		150/9 150/12 151/12 151/13
	clearly [4] 19/20 113/3		152/24 153/11

C Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 236 of 269		
<p>Column 11 [6] 137/22 149/5 149/7 150/14 150/23 153/16</p> <p>Column 12 [2] 149/9 162/9</p> <p>Column 13 [1] 154/16</p> <p>Column 14 [1] 139/7</p> <p>Column 15 [1] 139/9</p> <p>Column 3 [2] 82/17 117/13</p> <p>Column 4 [5] 102/12 107/11 107/17 109/11 134/2</p> <p>Column 6 [26] 136/3 136/3 136/12 137/14 139/18 139/19 140/4 140/6 140/7 140/7 140/12 140/13 140/21 141/9 141/14 141/16 141/17 142/5 148/16 148/24 148/25 149/3 149/21 152/23 153/7 153/8</p> <p>Column 7 [13] 83/11 116/15 116/16 116/24 117/1 117/4 117/12 119/19 122/12 124/16 142/2 142/6 142/19</p> <p>Column 8 [1] 119/19</p> <p>Column 9 [3] 119/19 132/12 132/14</p> <p>columns [5] 82/12 121/6 123/3 139/14 159/8</p> <p>combat [1] 210/16</p> <p>come [43] 7/3 7/14 8/23 19/8 20/13 31/8 36/16 37/15 56/8 56/20 64/2 69/4 76/3 78/20 81/3 81/11 81/14 86/2 86/22 86/23 86/24 87/1 87/2 96/12 122/15 126/2 126/4 129/14 130/5 130/16 156/5 158/21 174/8 176/4 179/5 179/6 180/3 180/18 186/3 189/1 194/21 218/23 226/17</p> <p>comes [12] 56/24 70/3 72/15 72/23 104/7 104/14 110/14 143/15 150/1 167/21 173/17 194/17</p> <p>comfortable [3] 38/2 48/21 169/6</p> <p>coming [8] 36/8 60/24 74/22 74/24 74/25 150/18 182/4 182/5</p> <p>Commander [3] 22/23 23/3 23/8</p> <p>Commander Gilford [3] 22/23 23/3 23/8</p> <p>commensurate [2] 194/2 194/4</p> <p>comment [3] 60/17 64/12 68/23</p> <p>comments [1] 202/22</p> <p>Commission [5] 42/11 42/16 53/16 56/7 56/16</p> <p>committed [1] 26/4</p> <p>committee [1] 222/19</p> <p>common [3] 91/7 129/18 144/19</p> <p>communicated [1] 68/13</p> <p>communication [2] 5/19 28/5</p> <p>community [3] 75/6 114/6 114/10</p> <p>companies [7] 42/17 42/20 46/2 50/11 51/2 51/4 59/16</p> <p>company [4] 1/6 46/8 144/20 190/25</p> <p>Compaq [3] 92/3 92/12 111/9</p> <p>comparable [1] 56/20</p> <p>comparative [2] 52/14 56/13</p> <p>compare [3] 52/5 93/18 93/18</p> <p>compared [2] 56/19 98/12</p> <p>compares [2] 82/10 83/22</p>	<p>comparing [8] 55/20 55/24 74/17 75/1 75/8 75/22 78/23 142/5</p> <p>comparison [4] 75/7 93/13 93/15 184/12</p> <p>compatible [1] 59/12</p> <p>compensation [3] 80/24 101/2 137/6</p> <p>competence [1] 110/25</p> <p>competency [3] 50/17 50/19 51/5</p> <p>competent [1] 163/6</p> <p>compilation [1] 23/13</p> <p>compiled [2] 38/21 38/23</p> <p>compiles [1] 90/11</p> <p>complain [1] 73/3</p> <p>complete [5] 26/19 44/8 155/8 185/7 210/21</p> <p>completed [1] 43/14</p> <p>completely [11] 17/13 18/10 31/6 95/13 97/3 104/18 123/2 123/10 140/12 161/25 163/16</p> <p>complies [1] 86/1</p> <p>component [5] 83/6 83/9 108/5 117/20 118/3</p> <p>comport [2] 14/1 203/20</p> <p>composite [2] 90/3 108/23</p> <p>comprehension [1] 189/4</p> <p>comprises [3] 92/20 93/4 93/4</p> <p>computer [22] 1/24 73/5 73/9 73/9 90/13 90/14 91/1 91/8 91/11 91/14 91/15 91/17 92/17 99/2 158/15 166/1 166/2 166/6 166/9 166/10 167/2 167/14</p> <p>computer-aided [1] 1/24</p> <p>computers [4] 59/11 60/4 92/3 111/10</p> <p>concentrating [3] 173/13 178/12 188/16</p> <p>concentration [8] 51/24 89/17 189/3 189/11 189/13 189/18 190/2 190/9</p> <p>concept [1] 181/1</p> <p>conceptually [2] 100/25 150/23</p> <p>concern [1] 65/21</p> <p>concerned [4] 59/20 60/1 131/11 217/11</p> <p>conclude [1] 201/24</p> <p>conclusion [1] 43/18</p> <p>conclusions [8] 43/17 43/19 44/18 44/20 45/19 45/22 78/20 79/14</p> <p>concrete [1] 170/22</p> <p>condition [1] 194/21</p> <p>conference [9] 49/24 60/16 66/2 66/4 66/7 66/10 67/2 67/11 71/5</p> <p>conferences [3] 66/19 71/23 72/1</p> <p>confident [2] 28/7 59/2</p> <p>confidentiality [1] 212/3</p> <p>confirm [1] 70/8</p> <p>confirmed [1] 227/2</p> <p>conflicting [2] 11/12 13/14</p> <p>confront [1] 226/18</p> <p>confused [1] 177/6</p> <p>confusing [1] 221/23</p> <p>Congressional [1] 222/19</p> <p>Congressman [1] 62/22</p> <p>connected [1] 67/22</p>	<p>connection [2] 6/4 104/9</p> <p>conscious [2] 29/17 29/19</p> <p>consciousness [2] 197/13 218/8</p> <p>consecutive [1] 122/19</p> <p>consider [6] 112/16 136/10 136/16 136/16 199/8 216/23</p> <p>consistent [2] 180/22 183/22</p> <p>constant [9] 124/5 124/18 132/12 151/12 151/13 151/22 151/23 152/24 158/18</p> <p>constructed [1] 81/20</p> <p>consultation [3] 212/12 212/13 213/2</p> <p>consulting [2] 78/3 78/9</p> <p>contact [6] 19/24 20/11 20/14 20/17 63/24 64/1</p> <p>contacted [5] 42/25 49/14 63/17 63/20 87/17</p> <p>contacting [1] 45/6</p> <p>contacts [1] 12/4</p> <p>container [1] 8/13</p> <p>containerized [2] 5/11 5/24</p> <p>contemplation [1] 19/16</p> <p>context [3] 25/7 46/1 67/2</p> <p>continentally [1] 67/22</p> <p>continue [1] 193/5</p> <p>continued [4] 2/1 38/11 120/12 135/17</p> <p>continues [1] 178/10</p> <p>continuing [3] 71/8 136/3 203/16</p> <p>contract [10] 58/11 58/13 58/15 58/24 88/13 114/1 135/18 135/19 135/20 135/22</p> <p>contrary [2] 121/11 129/17</p> <p>contribute [1] 205/14</p> <p>contributed [1] 202/24</p> <p>contribution [1] 136/8</p> <p>contributions [2] 134/10 134/11</p> <p>conventional [2] 163/22 164/5</p> <p>conversation [7] 34/20 202/7 202/16 203/15 203/17 220/22 220/25</p> <p>conversations [3] 63/16 172/25 177/9</p> <p>convince [2] 61/1 61/22</p> <p>convinced [1] 61/23</p> <p>Cooper [2] 2/10 57/6</p> <p>cope [1] 183/24</p> <p>copies [1] 168/8</p> <p>coping [1] 185/2</p> <p>copy [2] 87/20 155/8</p> <p>corner [2] 173/16 173/17</p> <p>correct [192] 5/9 5/12 5/13 5/13 7/5 7/9 7/13 10/18 15/7 15/10 16/5 16/12 28/5 28/6 28/8 28/9 29/1 29/22 30/16 31/25 32/17 33/9 33/10 35/14 37/21 37/22 38/19 48/12 50/7 51/14 51/16 54/15 54/16 54/19 54/21 57/3 57/12 57/14 57/15 57/18 57/24 58/13 58/20 65/7 70/1 77/11 77/12 78/19 79/2 79/18 80/18 80/22 83/18 84/5 84/16 87/13 87/14 88/21 89/8 89/10 89/12 89/14 90/4 94/12 95/12 95/25 96/6 96/22 97/4 101/2 101/6 101/10 101/11 101/14 101/15 101/15 101/18 102/3 102/4</p>

correct... [113] 102/6 102/15
102/24 102/25 103/2 103/25
104/8 104/9 107/18 116/18
116/21 117/5 117/15 117/16
117/18 118/2 118/10 118/25
119/5 123/4 123/17 123/21
123/24 124/1 124/2 124/3
124/6 124/7 124/12 124/13
128/14 128/17 134/3 134/5
134/6 136/6 136/12 136/18
136/21 136/24 137/1 137/2
137/7 137/10 137/12 137/17
137/20 137/22 138/1 138/8
138/23 139/1 139/2 139/4
139/5 139/7 139/8 139/10
139/16 140/5 140/11 140/24
141/23 142/25 146/20 146/24
148/17 148/24 148/25 149/3
149/4 149/7 149/10 149/13
149/16 149/19 150/2 150/11
150/17 150/25 151/10 151/13
151/14 152/4 152/5 152/13
152/17 153/17 153/21 153/22
154/3 154/13 155/1 156/5
156/8 156/10 157/4 159/17
159/24 160/18 161/3 161/9
161/17 162/2 162/6 164/24
165/8 165/9 165/15 205/8
220/13 222/17 227/8
corrected [1] 178/4
corrective [1] 71/22
correctly [1] 197/15
correlate [1] 209/16
cost [14] 122/2 122/5 122/8
122/11 122/14 122/15 123/5
123/6 123/7 123/9 123/11
125/17 132/1 132/7
Costs [1] 80/24
could [85] 8/17 10/24 11/6
11/15 22/1 23/17 26/5 26/19
34/3 34/4 34/10 34/13 34/24
38/24 44/4 45/13 47/3 47/7
47/19 47/22 47/22 48/4 50/6
50/21 56/14 56/17 56/21
56/22 57/4 63/8 65/21 66/24
67/5 70/22 81/15 84/23 85/14
85/15 85/16 85/24 92/8 94/7
94/23 96/8 96/8 96/9 99/14
99/18 100/1 107/16 114/14
126/5 133/12 141/14 142/17
145/6 146/9 146/11 146/11
168/21 168/24 171/20 173/7
183/8 184/17 184/22 192/7
192/8 201/14 203/10 204/9
205/19 205/24 208/3 208/7
208/11 208/13 213/4 213/9
217/22 220/18 224/5 224/6
225/15 225/17
couldn't [9] 15/23 29/25 68/6
85/16 93/13 99/5 114/4 158/5
184/20
counsel [9] 18/25 19/9 58/25
59/2 60/19 66/24 81/6 110/6
133/13
counseling [1] 42/8
counselor [11] 39/17 41/15
41/22 42/14 42/18 43/22 44/4
45/1 45/15 45/21 45/23
Counselors [1] 41/20
count [2] 178/3 178/19

item 320 Filed on 06/30/11 in T
 country [4] 36/8 223/20
 226/14 226/15
 County [1] 114/10
 couple [10] 23/18 38/5 49/18
 56/5 71/13 78/4 164/16
 170/12 203/19 222/15
 course [21] 20/24 32/1 35/24
 51/8 72/21 82/14 84/18 95/10
 100/17 102/15 105/3 146/5
 166/14 170/12 180/9 180/17
 184/4 203/18 204/1 204/5
 225/6
 courses [17] 100/14 100/16
 100/19 111/16 113/25 114/2
 114/4 114/4 114/11 131/16
 145/1 145/6 166/18 167/19
 167/19 167/20 206/24
 court [39] 1/1 2/13 2/14 4/20
 7/4 8/23 20/19 40/5 40/16
 60/17 60/24 61/1 61/16 61/22
 61/24 61/25 62/9 62/15 65/22
 66/3 66/10 66/12 67/12 68/21
 69/15 69/20 72/6 76/6 76/7
 76/16 120/15 126/21 129/23
 130/5 148/8 169/3 192/19
 227/7 227/13
 Court's [4] 19/3 66/13 69/25
 70/20
 courtroom [6] 71/1 88/10
 121/16 121/19 133/13 226/18
 courts [1] 115/5
 cover [2] 103/18 184/9
 covered [3] 16/17 16/21
 219/19
 coworkers [1] 197/4
 CPS [2] 90/18 91/2
 Craig [2] 18/6 18/8
 credentials [3] 126/21 131/9
 133/11
 credibility [2] 9/1 19/4
 crime [5] 10/24 11/14 191/8
 211/17 211/17
 criminal [3] 166/11 167/2
 167/15
 criteria [16] 171/5 171/10
 172/2 172/9 172/10 172/18
 173/24 174/2 175/19 179/5
 181/3 181/18 199/12 206/5
 207/20 224/14
 cross [17] 7/1 21/1 49/6 58/6
 67/4 73/16 87/7 93/3 125/4
 133/24 147/16 147/17 147/18
 164/13 196/4 196/5 220/1
 cross-examination [14] 7/1
 21/1 49/6 58/6 73/16 87/7
 133/24 147/16 147/17 147/18
 164/13 196/4 196/5 220/1
 cross-examine [1] 125/4
 cross-examining [1] 67/4
 crowbar [1] 195/23
 crowd [1] 34/25
 crowded [1] 33/7
 crowds [5] 32/10 33/15 33/25
 34/18 47/12
 cruise [10] 31/24 32/1 32/13
 33/6 33/6 33/18 34/1 34/17
 34/21 35/4
 crunching [1] 100/2
 crying [2] 30/20 205/19
 CSR [2] 2/14 227/13
 cue [2] 172/16 204/20

X39 Page 237 of 269
 204/15 205/14 205/21
 Cullen [4] 2/9 196/7 212/3
 217/15
 cumulative [1] 139/9
 cured [1] 194/21
 current [20] 44/1 44/10 55/16
 55/17 80/19 89/1 91/3 93/7
 112/8 112/11 117/2 121/5
 121/22 136/23 142/10 143/2
 144/9 147/4 156/19 159/20
 currently [12] 45/12 48/23
 50/23 84/15 85/6 94/12 102/8
 137/11 144/5 145/10 170/14
 180/20
 curve [2] 160/12 163/1
 curves [1] 160/16
 customarily [1] 50/1
 cut [6] 57/6 99/13 177/13
 182/7 191/23 194/13
 cutting [1] 36/10
 CV [2] 1/4 126/21

D

D/B/A [1] 1/6
dad [1] 37/18
Daigle [5] 20/20 23/4 27/10
27/12 38/11
Daigle's [1] 4/11
damage [5] 83/6 120/2 124/20
137/24 137/25
damaged [1] 129/9
damages [15] 52/5 75/14 78/16
78/17 79/20 84/2 84/10 84/11
84/13 84/17 84/19 86/14
120/20 121/10 144/11
Dan [1] 220/3
dancing [1] 32/14
danger [1] 38/21
Daniel [1] 2/5
Darington [1] 1/22
data [29] 52/13 52/24 56/18
56/20 56/20 80/20 80/24 90/1
90/6 90/7 90/8 90/10 90/12
90/18 90/18 90/22 91/2 91/6
93/2 93/4 97/6 98/5 99/7
141/1 141/1 160/2 166/16
166/19 166/22
database [11] 52/13 52/15
52/22 53/11 90/15 92/20
92/20 92/21 92/23 93/6
114/17
date [17] 49/19 79/22 79/22
79/23 82/19 82/19 87/22
155/21 156/19 159/20 160/3
160/9 185/19 214/1 221/3
221/4 227/10
dates [3] 46/8 46/11 216/16
Daubert [4] 127/15 127/17
130/7 131/2
daughter [1] 37/22
daughters [1] 190/9
Dawn [4] 168/15 169/12 169/17
175/25
day [24] 6/20 6/20 8/15 21/9
25/16 28/14 28/14 29/22
29/24 29/24 36/9 36/16 36/17
36/22 69/24 105/2 105/2
147/19 148/4 157/19 159/21
160/5 168/1 222/4
day-to-day [2] 29/24 105/2
days [1] 197/4

D Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 238 of 269		
deal [6] 72/14 113/15 185/3 185/24 185/25 186/1	depends [6] 57/13 57/14 72/18 85/17 99/6 183/17	46/15 48/10 49/17 40/23 50/16 50/23 52/21 59/19 60/1
dealing [8] 5/20 33/25 34/6 129/2 180/19 182/3 182/6 185/24	deployment [1] 114/1	60/4 60/6 61/6 63/14 66/10 67/23 70/11 71/5 73/13 74/2
death [1] 172/5	deployments [1] 134/20	75/20 80/8 83/3 83/23 86/5
debt [4] 163/20 163/24 186/15 226/20	depo [2] 30/14 31/1	86/9 86/9 86/11 86/12 87/20 88/8 93/6 100/8 111/14
December [1] 215/11	depose [2] 63/14 70/7	113/25 123/11 123/12 127/25 129/25 133/3 133/4 134/16
decent [1] 5/20	deposition [16] 4/14 7/10 8/24 9/4 10/2 11/10 13/9 14/8 17/25 35/11 35/18 67/6 67/9 132/25 133/2 133/6	134/17 135/21 135/22 135/22 135/24 145/11 145/13 146/3 155/17 157/2 164/17 164/18 164/18 167/19 171/7 175/7 176/1 176/25 180/11 185/21 186/19 186/24 187/11 187/15 187/18 189/13 189/16 193/22 195/13 197/16 198/18 198/19 199/3 199/7 201/2 201/2 201/11 201/13 201/16 201/23 202/2 203/22 205/3 211/23 213/25 216/5 216/15 216/20 216/21 216/22 220/13 220/20 220/23 221/7 221/11 221/14 221/17 221/19 222/8 222/12 222/19 223/2 223/8 223/22 224/3 224/8
decide [3] 71/17 95/24 126/17	depressed [1] 224/20	didn't [62] 7/7 7/20 7/23 10/9 10/12 11/25 15/6 15/19 15/20 18/4 18/6 18/8 20/2 20/7 20/7 24/4 32/4 32/5 32/11 34/4 34/4 34/23 34/23 35/4 37/4 37/8 37/10 37/11 38/2 48/20 48/21 61/9 62/4 63/22 68/17 68/19 69/5 70/13 73/15 74/24 89/4 93/15 96/9 113/7 114/3 116/14 123/13 135/8 165/21 176/20 178/3 178/19 179/23 185/7 187/16 216/4 216/23 221/9 221/18 223/10 223/18 223/24
decided [5] 45/2 73/10 94/23 97/1 145/25	depression [6] 216/2 216/5 224/11 224/13 224/21 224/23	die [3] 194/18 194/20 210/16
decision [5] 47/15 56/24 57/7 96/19 96/25	derived [1] 154/18	Diego [5] 21/10 38/17 170/19 174/10 208/18
deck [1] 33/16	describe [4] 123/2 170/21 198/11 213/21	difference [16] 75/5 83/20 83/24 98/6 101/12 108/13 110/9 132/4 150/19 151/4 151/23 152/18 152/23 165/18 165/21 207/25
decline [1] 192/9	described [20] 22/4 22/6 22/15 24/9 25/2 25/2 92/13 98/20 98/22 108/1 108/12 109/14 123/3 151/1 153/3 195/7 198/5 198/23 199/3 221/10	differences [2] 55/15 91/5
decreasing [2] 141/6 186/5	describing [4] 47/10 122/16 198/1 219/2	different [48] 12/20 42/20 46/12 66/22 79/4 82/4 84/11 88/17 88/20 93/3 93/25 94/8 94/20 95/3 95/9 97/25 98/21 99/18 104/7 109/3 112/4 113/22 114/12 125/14 130/17 138/16 141/2 164/18 165/10 167/6 173/5 176/2 181/10 182/9 183/4 184/1 184/4 184/5 185/13 195/3 195/4 209/9 209/18 211/14 222/21 224/5 224/12 226/6
deduct [1] 115/24	deserve [1] 133/17	differential [1] 128/21
deduction [3] 109/6 119/20 136/8	designed [3] 63/8 64/3 125/7	differentiate [1] 166/19
deductions [4] 103/8 108/5 108/7 109/17	despite [1] 226/14	differently [3] 103/15 167/12 219/21
DEFENDANT [2] 2/2 2/8	detached [1] 173/4	differing [2] 11/17 13/21
DEFENDANTS [1] 1/8	detachment [1] 177/19	difficult [7] 81/8 120/4 120/5 184/22 206/21 207/22 225/13
defended [1] 130/22	detail [2] 21/12 28/15	difficulties [2] 33/22 34/6
defense [1] 13/24	details [4] 13/19 19/14 192/17 222/11	difficulty [4] 173/12 173/13 178/10 178/12
defensible [1] 129/4	determine [3] 50/19 91/5 208/3	
defer [1] 62/5	determined [3] 52/23 134/2 143/2	
definitely [7] 18/2 60/19 61/3 92/8 167/5 167/7 190/11	developing [1] 100/17	
degree [66] 42/22 45/3 45/4 50/23 51/5 73/2 73/5 73/6 73/7 73/11 73/20 73/21 73/23 77/17 77/20 83/25 84/4 84/8 84/9 84/12 84/14 84/19 85/18 89/10 89/12 89/14 89/18 89/20 89/22 90/2 90/10 90/12 90/16 90/20 90/23 90/25 91/8 91/10 91/11 93/19 94/11 95/11 96/21 96/21 96/21 96/22 97/12 97/13 97/16 97/17 97/17 98/11 98/16 111/5 111/7 111/9 113/20 141/13 166/6 166/6 166/9 166/10 166/11 166/13 166/17 168/2	DFAC [1] 8/10	
degrees [25] 51/2 73/24 89/24 89/24 93/20 94/14 94/15 96/18 97/10 98/13 98/15 111/20 111/20 113/8 114/19 114/21 165/8 165/15 165/19 165/19 167/13 167/14 189/20 189/21 190/4	diagnose [1] 207/22	
delicate [1] 60/15	diagnosed [1] 172/2	
delta [1] 152/23	diagnoses [2] 184/13 209/1	
demand [2] 165/24 165/24	diagnosis [15] 51/22 170/3 178/6 179/9 179/12 191/11 199/8 199/16 216/2 224/9 224/11 224/13 224/14 224/21 224/23	
demonstrates [1] 209/13	diagnostic [2] 51/19 179/6	
denied [3] 15/21 27/24 213/7	diagram [1] 171/9	
denies [4] 214/14 216/11 216/14 216/25	dialogue [1] 69/24	
deny [4] 29/20 29/23 126/24 216/10	Diaz [4] 27/25 28/16 28/22 29/11	
Department [3] 8/10 16/6 16/24	dick [1] 71/11	
departments [1] 78/7	did [166] 5/14 5/17 5/23 5/25 6/8 6/9 6/10 6/12 6/13 6/15 6/16 6/18 6/19 6/21 7/20 7/21 7/25 8/11 8/18 9/21 10/11 10/13 10/14 12/2 18/8 19/10 20/14 21/7 22/13 23/10 24/4 25/23 26/6 27/15 27/18 28/2 29/2 29/7 29/12 29/14 30/17 30/21 31/11 32/14 33/19 34/18 34/19 34/21 37/7 37/11 38/20 39/7 39/8 39/11 44/14 44/16 44/19 45/1 46/7	
departure [1] 226/12		
depend [7] 91/13 91/20 92/15 97/18 98/21 165/23 166/1		
depending [6] 98/23 101/17		

D Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 239 of 269		
diminished [2] 173/3 177/18	doctors [1] 44/2	done [40] 21/22 42/13 45/8
dining [2] 8/1 8/12	document [6] 28/19 29/1 88/3	46/5 46/6 50/6 50/7 51/9
diploma [4] 73/2 89/8 102/3	88/5 88/6 215/24	59/23 67/3 67/6 71/12 74/13
130/18	documents [5] 20/12 44/17	93/10 93/24 94/20 95/2 95/5
dire [5] 60/12 72/3 72/5	52/10 79/9 88/12	95/8 95/9 113/23 113/24
112/24 115/1	does [75] 8/20 13/1 33/1	114/11 114/14 120/19 121/24
direct [5] 5/2 40/24 73/17	41/16 53/6 53/10 54/6 55/12	130/8 131/10 131/19 132/10
77/5 169/13	59/9 73/20 73/22 74/7 74/9	132/14 139/15 162/9 170/6
directly [6] 21/25 40/20	88/24 90/12 90/15 90/18 91/4	178/13 181/16 188/8 206/3
50/11 169/8 195/16 195/16	91/25 92/2 102/13 103/5	218/5 226/19
disagree [1] 70/19	104/10 107/5 107/7 120/24	door [3] 195/19 195/20 195/21
disagreement [1] 120/25	121/3 121/4 133/19 134/3	double [2] 154/1 154/2
disavowed [1] 19/13	137/23 141/16 141/18 141/18	doubt [2] 36/20 69/1
discomfort [1] 219/1	144/19 146/3 149/5 149/6	down [44] 10/24 11/14 14/14
disconnect [2] 110/1 171/25	151/12 153/10 166/8 166/17	14/15 16/25 22/23 23/2 23/10
discount [20] 86/20 101/16	170/2 180/3 180/4 180/20	23/24 25/8 25/13 25/16 26/2
101/20 122/25 124/11 124/12	183/10 183/12 183/15 184/19	26/17 27/15 28/22 40/2 71/5
138/17 138/25 138/25 139/3	188/7 190/13 190/20 191/3	79/14 82/14 85/2 92/8 94/23
149/12 153/19 153/20 154/2	191/11 191/11 191/13 191/15	95/19 99/14 103/15 107/6
154/5 154/8 154/11 154/15	192/22 193/9 193/18 194/20	110/12 116/9 116/15 120/12
154/16 156/7	194/23 194/25 195/1 203/19	121/12 125/25 127/25 136/3
discounted [2] 151/10 161/11	206/7 206/13 206/15 206/18	142/22 149/15 149/18 168/11
discounting [2] 154/23 163/3	206/19 209/16 212/13 218/20	181/24 194/18 194/20 213/15
discover [1] 187/15	222/17	224/16
discovered [1] 187/20	doesn't [41] 8/10 8/16 10/12	downward [1] 109/20
discovery [1] 67/8	13/23 14/1 17/21 21/17 59/10	Dr [16] 77/11 77/23 78/14
discuss [4] 20/3 24/4 60/6	61/25 68/4 70/10 85/12 91/16	80/15 80/15 81/14 125/13
212/17	103/22 106/1 106/2 107/5	126/13 126/20 128/3 131/8
discussed [2] 148/2 212/20	107/7 107/10 110/8 110/11	132/24 133/11 164/15 168/6
discussing [4] 21/9 148/13	110/13 110/15 110/20 110/21	202/23
181/4 204/4	111/6 111/8 111/24 112/10	Dr. [17] 126/12 202/19 209/8
Discussion [1] 133/21	132/19 141/19 153/2 153/8	209/11 220/11 220/12 220/16
dishonesty [1] 67/9	153/11 188/25 193/5 194/4	220/21 220/23 220/25 221/7
dismal [1] 99/22	206/9 207/2 219/4 224/20	225/18 225/20 225/22 226/3
disorder [25] 171/4 172/3	doing [35] 10/6 33/19 35/1	227/2 227/3
173/18 174/3 179/13 180/4	35/2 38/3 43/4 43/5 45/12	Dr. -- I [1] 126/12
181/6 181/11 181/19 182/15	45/17 48/22 57/10 59/20 78/4	Dr. Manguno-Mire [5] 209/8
183/12 183/25 190/13 190/16	78/9 88/19 94/4 99/21 106/21	209/11 225/18 225/20 226/3
191/12 193/9 193/10 193/11	122/22 124/22 124/22 124/23	Dr. Manguno-Mire's [1] 225/22
193/15 193/15 193/19 207/14	124/24 127/13 128/23 131/17	Dr. Scarano [2] 227/2 227/3
224/12 225/16 226/1	137/23 140/22 144/5 145/1	Dr. Schulz [8] 202/19 220/11
disorders [3] 207/14 207/17	145/10 146/12 181/13 218/3	220/12 220/16 220/21 220/23
208/11	223/15	220/25 221/7
dispute [1] 10/1	dollar [13] 48/11 55/18 58/21	drafting [1] 87/22
disregard [1] 125/3	103/5 116/3 122/18 134/9	draw [1] 90/15
dissertation [1] 100/7	150/18 154/24 155/1 155/4	draws [1] 71/24
distinction [6] 52/12 52/14	159/12 159/16	dreadful [1] 210/18
85/9 90/16 204/12 226/5	dollars [11] 117/20 117/22	drill [1] 33/13
distinguish [7] 99/6 111/14	117/23 161/22 161/24 162/2	drink [6] 197/6 197/7 197/7
166/22 166/22 207/11 207/17	162/3 162/4 162/4 162/6	
207/18	162/15	
distract [1] 188/11	domestic [2] 216/14 216/23	
distracted [1] 188/15	don't [174] 8/4 8/11 9/3 10/1	
distract [1] 189/11	10/3 10/5 10/6 11/8 11/11	
distractions [2] 189/13 190/2	12/4 12/8 12/18 12/25 14/3	
distraught [3] 15/17 15/23	14/20 16/18 17/20 18/12	
16/1	18/14 20/17 21/12 23/23 24/3	
distress [3] 204/15 205/5	25/14 25/17 25/19 25/22	
205/19	26/11 27/4 28/19 33/14 33/19	
distressing [5] 172/12 172/20	33/20 34/10 36/11 37/5 37/6	
176/3 176/9 188/21	39/25 41/4 47/5 47/7 48/3	
DISTRICT [4] 1/1 1/1 1/11	49/11 49/18 50/14 51/10	
2/14	51/17 56/10 58/17 59/7 59/14	
DIVISION [1] 1/2	59/16 59/24 66/13 66/14	
do [279]	66/16 66/17 70/15 73/3 75/15	
doctor [22] 51/13 79/7 82/1	76/6 85/13 85/19 87/12 87/22	
83/3 83/21 84/6 84/15 84/21	88/16 89/3 89/5 89/20 90/22	
85/24 113/3 115/3 118/5	97/25 98/18 99/7 100/1 100/4	
118/8 121/1 125/1 168/12	101/3 104/1 104/18 105/1	
190/7 205/25 220/17 224/3	109/21 110/11 110/14 114/12	
	114/17 115/10 115/24 115/25	

D Case 4:07-cv-02719 Document 320-1 Filed 06/30/11 in TXSD Page 240 of 269		
<p>drink... [3] 197/16 197/20 197/21</p> <p>drinking [8] 27/10 27/12 39/9 39/10 197/8 197/16 206/15 214/6</p> <p>drinks [2] 8/13 213/20</p> <p>drop [4] 99/14 149/15 149/18 173/15</p> <p>drops [1] 157/15</p> <p>drug [2] 213/7 213/24</p> <p>drugged [5] 13/25 175/2 177/15 212/6 219/3</p> <p>drugs [3] 212/8 212/25 214/19</p> <p>drunk [1] 197/17</p> <p>dry [1] 110/7</p> <p>DSM [2] 179/6 204/6</p> <p>DSM-IV [1] 204/6</p> <p>due [7] 38/25 44/24 67/1 68/20 70/19 122/17 124/25</p> <p>DULY [4] 5/1 40/23 77/4 169/12</p> <p>during [15] 6/3 25/16 38/24 44/14 46/7 48/15 61/9 69/23 118/15 170/12 180/11 180/17 189/17 218/23 222/24</p> <p>duty [1] 78/1</p> <p>DV [1] 37/16</p> <p>Dwight [2] 77/4 77/10</p>	<p>easy [3] 24/6 103/17 151/16</p> <p>Easy 1040 [1] 103/17</p> <p>eat [1] 69/5</p> <p>economic [15] 52/5 78/9 96/12 119/20 129/18 131/6 139/6 141/21 150/2 150/17 150/24 151/9 152/17 155/11 158/8</p> <p>economics [19] 75/3 77/17 77/21 77/21 78/4 78/7 78/22 79/9 95/4 96/4 96/5 99/21 125/1 125/2 127/10 133/8 157/22 163/22 164/6</p> <p>economist [8] 72/7 72/25 74/7 74/12 76/1 132/16 132/17 132/20</p> <p>economist's [1] 132/18</p> <p>economists [1] 99/24</p> <p>education [24] 42/4 42/8 73/8 81/4 83/17 85/5 85/7 90/14 90/19 90/23 93/8 94/24 95/10 97/25 113/7 127/2 140/15 140/21 141/2 169/19 193/22 194/2 194/5 210/1</p> <p>educational [3] 41/18 77/15 191/10</p> <p>effect [4] 138/6 138/16 190/20 192/14</p> <p>effective [5] 68/16 100/9 158/3 158/6 182/13</p> <p>effectively [1] 120/14</p> <p>Effexor [3] 214/23 215/15 215/16</p> <p>efficiency [1] 100/9</p> <p>efforts [4] 172/24 173/1 177/8 177/10</p> <p>egress [2] 34/9 34/15</p> <p>eight [1] 78/8</p> <p>eighteen [1] 158/19</p> <p>either [18] 25/18 28/14 37/5 37/15 50/12 92/17 94/25 95/15 111/24 120/15 129/13 172/4 173/25 175/5 175/13 199/4 212/24 212/25</p> <p>elderly [1] 109/4</p> <p>elected [2] 95/10 96/8</p> <p>elementary [2] 146/8 206/24</p> <p>elevated [1] 22/1</p> <p>elevator [2] 195/17 195/17</p> <p>elicit [1] 214/25</p> <p>elicited [1] 74/4</p> <p>eligible [1] 115/24</p> <p>ELLISON [2] 1/10 9/11</p> <p>Elmo [6] 81/9 81/11 81/14 81/15 81/19 105/4</p> <p>else [29] 6/19 8/15 9/18 9/22 11/12 62/24 66/22 76/21 88/8 117/13 142/11 145/2 158/14 163/24 172/7 176/5 176/12 176/15 189/3 192/8 200/1 200/1 200/14 202/23 203/2 203/6 212/8 222/8 222/10</p> <p>emote [1] 187/7</p> <p>emoting [2] 187/15 219/14</p> <p>emotion [1] 186/20</p> <p>emotional [3] 183/13 187/11 217/1</p> <p>emotionality [1] 183/20</p> <p>employ [1] 44/21</p> <p>employability [1] 44/21</p> <p>employed [6] 42/19 94/19 145/14 145/16 145/22 191/9</p>	<p>employee's [1] 136/17</p> <p>employees [1] 92/3</p> <p>employer [11] 9/19 80/23 97/18 98/22 98/23 99/7 108/20 116/7 134/22 136/13 144/24</p> <p>employer's [2] 136/11 136/17</p> <p>employers [3] 46/12 97/18 167/23</p> <p>employers' [1] 134/11</p> <p>employment [15] 42/1 44/7 44/8 44/9 44/10 45/17 46/16 46/18 46/19 46/24 51/25 53/19 78/18 134/15 145/11</p> <p>encompasses [1] 54/12</p> <p>encourage [1] 206/10</p> <p>encouraged [1] 190/7</p> <p>end [11] 14/13 21/9 102/12 108/11 109/24 120/2 123/5 123/9 125/18 132/6 210/20</p> <p>ended [1] 226/3</p> <p>ending [1] 203/17</p> <p>ends [1] 118/3</p> <p>enforcement [1] 186/23</p> <p>engineering [2] 53/10 54/1</p> <p>English [3] 98/25 99/3 166/5</p> <p>enhanced [1] 120/9</p> <p>enjoyed [1] 190/6</p> <p>enlarge [3] 213/4 214/11 216/7</p> <p>enough [9] 18/17 126/21 140/1 146/12 147/11 147/19 195/6 214/10 216/1</p> <p>entails [1] 181/21</p> <p>entertained [2] 37/17 37/18</p> <p>entire [3] 9/3 34/21 46/13</p> <p>entirely [4] 22/7 31/6 133/7 216/16</p> <p>entitled [3] 13/17 68/3 227/8</p> <p>entries [1] 224/22</p> <p>entry [8] 53/3 53/4 54/6 54/18 54/21 54/22 55/21 56/4</p> <p>entry-level [3] 54/18 55/21 56/4</p> <p>enveloping [1] 65/22</p> <p>episodes [5] 33/1 216/4 224/10 224/16 224/23</p> <p>equal [2] 132/17 146/11</p> <p>equation [1] 147/1</p> <p>equivalent [1] 156/17</p> <p>ER [2] 30/7 30/11</p> <p>escaping [1] 187/24</p> <p>especially [3] 63/3 190/14 190/15</p> <p>essentially [3] 129/24 138/20 154/13</p> <p>establishing [1] 52/23</p> <p>Estefan [2] 1/18 130/12</p> <p>Estefan's [1] 125/8</p> <p>estimated [2] 84/2 131/20</p> <p>estranged [1] 173/4</p> <p>estrangement [1] 177/19</p> <p>et [5] 46/12 53/24 57/18 92/5 92/6</p> <p>et cetera [5] 46/12 53/24 57/18 92/5 92/6</p> <p>evaluate [2] 50/3 105/2</p> <p>evaluated [3] 79/20 209/7 209/9</p> <p>evaluation [1] 193/18</p>
E		
<p>e-mail [2] 60/25 61/21</p> <p>each [15] 23/14 72/17 73/11 82/15 85/3 90/7 119/2 132/5 136/9 139/14 140/17 140/18 141/17 167/5 184/17</p> <p>earlier [6] 120/2 122/16 127/19 160/13 163/2 193/21</p> <p>early [4] 87/18 113/7 215/2 226/11</p> <p>earn [18] 48/10 73/24 73/24 78/24 78/25 82/11 83/12 83/24 84/20 90/24 91/15 107/20 140/17 140/19 141/2 142/18 143/8 193/24</p> <p>earned [8] 83/23 114/19 125/20 140/13 189/17 189/20 189/20 193/25</p> <p>earning [16] 79/11 90/16 93/16 93/22 94/10 98/6 98/12 99/10 101/9 109/8 126/18 136/21 137/9 151/4 166/25 194/1</p> <p>earnings [55] 82/8 82/17 82/17 83/11 89/4 100/22 101/4 101/5 104/8 104/11 105/16 105/18 106/3 111/8 112/8 112/9 112/11 114/23 116/17 117/2 117/5 117/7 119/8 119/10 119/20 119/21 121/5 122/13 123/12 123/23 124/21 126/5 127/9 128/19 128/20 131/17 136/4 136/14 136/23 137/13 141/14 142/16 143/3 143/6 144/3 144/15 146/20 147/1 147/4 150/9 150/20 151/2 161/18 165/6 165/7</p> <p>earthquake [1] 211/14</p> <p>easier [1] 15/25</p> <p>easily [3] 26/5 27/21 34/4</p>		

E Case 4:07-cv-02719 Document 320-1 Filed 06/30/11 in TXSD Page 241 of 269			64/25 65/2 66/11 66/17 66/25 71/17
even [33] 7/20 11/10 14/6 17/21 20/7 29/18 29/20 29/25 30/3 34/4 34/10 61/9 65/7 65/13 65/16 65/19 66/24 74/3 110/13 111/17 113/7 113/16 114/8 122/2 129/8 129/14 142/4 144/21 157/13 183/10 184/20 214/5 225/25	examining [1] 67/4 example [12] 24/17 25/3 32/22 53/1 53/11 56/3 56/17 85/21 97/16 98/22 103/14 105/7	face [7] 22/18 22/25 23/6 24/21 25/4 120/18 173/8 faces [1] 210/16 facilities [1] 8/1 facility [1] 8/12 fact [52] 8/8 8/14 14/6 15/5 15/22 27/16 28/10 30/3 30/11 33/1 38/21 39/5 39/7 48/10 51/1 54/21 57/5 59/3 61/10 61/23 63/3 65/3 67/3 69/18 69/23 73/20 73/22 74/2 86/14 97/20 112/17 127/13 130/21 132/7 138/17 147/9 163/2 164/22 170/6 179/12 181/14 183/10 184/9 185/18 189/19 192/9 201/4 201/4 214/6 214/23 222/12 225/20	71/17
evening [5] 16/16 16/20 22/5 24/1 227/5	exceeding [1] 11/20 exceeds [2] 11/9 18/10 Excel [1] 158/15 excellent [1] 204/12 except [1] 220/22 exception [3] 64/21 69/25 214/15	factor [66] 22/13 44/7 85/14 86/8 86/13 86/20 116/20 116/23 116/24 116/25 117/7 118/1 118/25 119/20 120/21 121/8 122/15 122/21 122/25 122/25 124/12 124/15 124/16 124/17 124/19 126/16 127/3 131/3 131/4 132/3 132/13 132/13 137/19 137/21 137/23 138/3 138/3 138/6 138/7 138/17 138/19 138/21 146/15 146/17 146/25 146/25 149/9 150/4 150/5 151/6 152/21 153/3 153/4 153/5 153/17 153/20 154/2 154/5 154/8 154/11 154/15 154/16 159/19 161/17 162/9 180/13	
event [24] 8/16 22/16 25/2 25/10 36/12 73/10 172/3 172/4 174/16 174/17 174/24 174/25 182/23 184/8 184/20 185/12 185/17 191/4 195/6 195/9 208/6 211/24 214/6 217/24	excess [1] 178/25 exchange [1] 218/3 excuse [11] 47/1 63/13 69/12 69/12 76/10 81/6 176/6 177/6 217/10 220/11 224/23 excused [2] 74/20 76/25 execs [1] 92/5 executive [2] 50/8 50/9 exercise [1] 190/6 exhibit [2] 26/8 183/13 Exhibit 83 [1] 26/8 expanded [1] 21/14 expect [13] 5/20 47/24 78/25 91/11 91/14 91/22 92/3 140/19 143/7 145/5 147/2 162/20 194/11	factor's [1] 101/19 factored [1] 161/16 factors [9] 43/17 43/21 86/25 101/19 151/22 181/17 211/2 211/7 211/8 facts [3] 39/4 61/14 67/17 factually [1] 219/1 fair [25] 22/10 25/9 25/12 25/14 26/1 43/19 51/20 58/23 58/24 59/1 59/3 79/5 79/6 84/22 84/25 104/12 125/18 128/6 147/15 178/20 195/6 214/10 216/1 222/6 223/15 fairly [3] 37/3 100/3 215/18 faithful [1] 125/23 fall [2] 174/11 177/4 falling [2] 173/12 178/11 false [1] 121/14 familiar [5] 36/3 51/1 151/14 167/8 210/1 family [1] 215/12 fantasy [1] 112/11 far [15] 18/18 25/19 30/21 32/24 42/2 43/23 44/3 44/20 57/20 95/15 131/13 181/18 193/1 216/12 225/25 farther [4] 67/14 67/15 129/8 210/20 fate [1] 57/23 father [4] 17/8 20/5 65/8 65/17 fault [1] 133/7 faulty [2] 127/15 127/15 favorite [1] 35/5 FCRR [2] 2/14 227/13 fear [8] 64/13 172/8 174/25	
events [22] 24/2 174/23 174/24 196/13 196/13 196/18 196/20 196/20 197/1 198/7 198/12 199/13 199/13 199/16 202/14 202/14 203/19 204/2 204/5 206/7 206/16 207/4	expected [12] 45/18 55/5 55/9 78/24 82/24 82/25 83/12 107/16 140/17 140/19 141/15 142/18 expecting [1] 203/5 experience [10] 33/2 41/18 51/21 53/3 54/12 77/23 176/1 183/7 192/17 212/5 experienced [4] 33/24 192/1 196/14 219/11 experiences [2] 210/18 211/14 experiencing [2] 181/14 191/8 expert [14] 49/16 52/3 70/3 74/16 104/24 112/16 127/14 128/13 129/23 130/6 144/16 146/5 158/23 180/2		
ever [16] 49/11 67/23 68/5 73/8 87/13 111/5 122/24 124/17 129/9 134/14 144/22 151/24 152/23 152/24 153/15 225/9	exposed [8] 172/3 172/16 172/22 174/16 174/17 194/9 204/14 204/20 exposure [18] 172/7 174/14 174/15 174/23 175/5 175/12 175/18 184/3 184/15 192/16 196/12 199/11 208/4 208/6 210/10 210/11 217/23 218/18		
every [39] 19/2 36/13 36/16 57/16 103/19 112/7 116/17 116/19 117/14 117/25 117/25 118/9 118/23 119/22 120/7 120/8 120/9 120/20 124/6 124/6 140/4 140/10 140/23 141/16 141/18 142/5 142/5 142/6 151/12 151/18 153/2 153/8 153/11 153/14 153/15 184/5 195/3 203/7 210/7	express [1] 96/12 expressed [1] 88/9 extension [2] 75/5 129/24 extensive [1] 34/8 extent [3] 133/12 145/2 187/3 extrapolation [1] 131/11 extreme [2] 183/13 210/10 eyeballing [2] 161/1 161/4 eyes [2] 30/16 30/19		
everybody [7] 71/2 76/21 93/1 108/18 108/24 108/24 184/4			
everyone [3] 33/15 39/1 93/2			
everyone's [1] 13/21			
everything [5] 8/15 24/5 32/14 129/18 145/2			
evidence [12] 11/23 11/25 14/7 68/6 71/23 72/19 73/7 98/17 111/17 132/22 182/11 205/12			
evidence-based [1] 182/11			
exact [13] 8/6 16/18 25/22 37/6 49/19 58/17 59/14 87/22 143/14 159/25 160/7 218/24 218/24			
exactly [16] 14/1 20/14 30/11 33/14 36/11 108/19 125/10 141/22 142/12 145/19 153/18 159/25 200/19 201/1 207/18 208/3			
exaggerated [2] 173/16 178/16			
exam [1] 169/24			
examination [25] 5/2 7/1 21/1 30/18 38/12 40/24 49/6 58/6 73/16 77/5 87/7 115/1 133/24 147/16 147/17 147/18 164/13 169/13 196/4 196/5 202/1 220/1 220/14 223/6 223/25			
examine [4] 111/1 120/14 125/4 127/24			
examined [3] 130/1 201/20 202/20			
F			
fabricates [1] 62/15 fabrication [18] 19/20 19/21 19/22 60/17 61/2 61/5 61/19 61/20 62/9 62/13 62/20 64/20			

F Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 242 of 269			formulation [1] 81/7 Fortune [1] 59/16		
fear... [5] 175/3 175/5 175/13 175/18 196/14 fears [1] 38/23 features [1] 207/13 February [2] 87/18 174/9 federal [4] 87/3 105/19 129/23 130/5 fee [1] 43/8 feel [12] 21/13 21/16 21/18 38/20 44/2 44/2 50/24 56/15 81/19 199/16 220/18 224/20 feeling [6] 182/18 202/25 204/16 204/18 205/5 224/16 feelings [7] 172/25 177/9 185/13 192/17 218/22 218/24 218/25 feels [1] 222/22 felt [5] 38/21 39/1 48/21 199/24 205/7 female [2] 36/14 36/14 few [6] 14/15 87/15 108/6 133/20 193/25 196/8 FICA [39] 102/8 102/10 102/11 102/13 102/15 102/18 103/1 103/5 103/18 103/22 104/7 104/11 104/13 105/16 106/18 106/22 108/4 109/13 109/20 110/9 110/11 110/11 110/13 110/14 112/17 115/22 116/2 116/6 116/8 134/2 134/11 134/19 136/5 136/8 136/10 136/11 136/13 136/17 137/1 field [43] 19/11 45/9 45/20 48/7 50/20 51/22 54/14 55/4 57/11 73/8 78/1 88/21 88/25 89/7 90/2 90/9 90/17 90/21 90/25 91/9 91/17 92/2 93/5 93/13 94/16 94/19 94/20 95/11 95/22 95/23 96/18 97/1 98/8 117/15 126/13 128/6 131/9 141/14 164/6 165/7 165/11 165/15 166/8 field's [1] 166/25 fields [1] 165/25 fifth [2] 88/24 213/15 figure [22] 53/1 54/11 54/14 58/21 86/15 86/20 94/1 97/24 103/5 104/10 116/3 122/25 137/24 137/25 139/14 148/24 148/25 149/1 159/12 159/16 160/5 162/12 figures [2] 86/21 150/18 file [6] 88/14 195/21 195/21 195/23 196/1 196/2 files [1] 195/24 fill [1] 147/19 filled [1] 90/6 financial [3] 79/10 88/11 163/6 find [20] 34/13 41/23 48/10 53/9 92/3 95/5 97/8 126/8 128/24 130/3 142/11 143/11 143/15 171/16 177/1 177/3 195/25 211/9 211/21 213/14 finding [2] 205/23 207/9 findings [3] 176/18 176/23 225/22 fine [5] 24/25 81/12 127/13 164/20 191/19 finish [4] 9/24 39/18 157/16	finished [1] 74/20 firm [3] 1/15 49/25 78/3 first [57] 4/6 8/9 17/5 22/16 23/19 31/2 31/4 33/6 34/7 36/2 37/9 41/16 44/9 49/14 61/8 71/16 72/8 73/2 75/21 79/8 79/21 81/19 82/12 82/12 82/13 83/20 87/16 87/17 89/7 98/18 98/19 99/9 101/1 101/6 101/8 104/2 108/3 115/25 117/20 127/1 130/18 138/19 140/8 141/21 143/25 171/4 171/21 184/9 184/10 184/19 185/1 188/20 196/10 196/18 198/15 200/10 212/12 first-year [1] 75/21 fishing [2] 35/3 35/5 fit [2] 23/17 51/7 fits [1] 195/3 five [15] 36/13 58/4 147/12 176/19 176/23 200/7 200/7 200/8 200/13 217/13 219/5 220/4 220/8 222/1 222/4 flashback [3] 60/1 60/2 60/5 flashbacks [5] 47/14 59/21 172/14 172/21 176/13 flaw [2] 111/19 112/5 flawed [5] 121/4 125/5 130/15 131/7 132/22 flies [1] 13/3 floor [3] 2/6 195/17 195/18 flown [1] 12/11 flows [3] 109/15 109/21 109/22 fluctuation [1] 109/7 fly [5] 12/20 13/1 19/14 127/19 161/15 flyspeck [1] 127/25 focus [2] 165/13 206/10 focused [5] 89/3 167/23 167/25 176/9 188/22 Focusing [1] 27/23 folks [9] 32/4 33/5 36/16 37/2 54/6 54/19 57/10 159/9 210/15 follow [5] 98/8 150/22 156/6 165/3 196/9 follow-up [1] 196/9 followed [1] 199/14 following [5] 198/12 198/14 200/25 202/15 215/12 food [13] 7/22 7/25 8/1 8/5 8/6 8/7 8/9 8/13 10/6 10/7 19/14 29/25 147/7 footing [1] 132/17 forced [1] 146/2 foregoing [1] 227/8 forensic [1] 186/22 foreshortened [2] 173/8 177/22 forget [1] 191/16 forgetful [2] 191/24 192/1 forgetfulness [2] 191/14 192/5 forgive [1] 39/22 forgotten [1] 147/23 form [11] 43/17 62/21 67/15 103/16 103/17 105/7 106/13 124/20 127/16 200/21 200/23 format [1] 188/2 former [1] 80/12	forward [5] 79/17 82/21 83/10 120/1 144/12 found [5] 45/9 52/8 56/18 174/15 211/2 four [26] 36/12 37/22 72/8 72/17 72/19 74/14 81/17 84/23 84/25 88/17 88/19 89/6 94/8 94/20 95/14 113/22 114/11 130/16 165/12 170/22 173/23 176/18 178/17 178/25 197/4 208/16 fourth [2] 26/17 103/14 fractions [1] 83/1 frailties [1] 66/20 frame [3] 25/22 31/12 61/9 frames [2] 46/8 224/15 frankly [1] 127/25 Frederiksen [1] 18/14 free [12] 7/14 7/17 40/2 81/19 163/10 163/14 163/16 163/21 163/23 164/6 168/11 226/9 Friday [1] 148/4 frightened [1] 173/19 front [7] 120/15 143/9 157/23 184/4 186/17 210/16 210/17 fruit [1] 8/2 frustrated [2] 68/24 69/1 fulfill [1] 96/16 full [14] 47/3 56/25 57/11 145/15 145/17 145/18 145/20 145/22 145/24 146/7 146/9 146/13 164/23 199/15 full-time [4] 47/3 57/11 145/20 164/23 fully [1] 181/6 fun [1] 32/6 function [4] 27/21 29/24 144/2 190/20 functioning [10] 173/25 174/1 174/2 179/3 190/12 190/19 190/22 190/23 191/5 192/14 fundamental [6] 108/13 110/1 110/24 111/19 112/5 132/10 fundamentally [4] 121/4 125/4 127/16 131/7 furnishing [1] 30/24 further [8] 30/18 113/8 116/20 118/1 120/9 120/21 191/21 196/3 Furthermore [2] 65/6 129/14 future [41] 45/13 72/8 79/17 79/25 83/6 83/9 83/14 84/2 84/13 84/19 85/2 86/3 86/14 93/16 94/2 94/10 99/11 100/22 116/16 116/17 119/8 123/13 124/21 129/15 145/4 149/19 154/20 154/24 155/1 155/13 156/9 156/14 157/8 158/8 158/12 163/19 165/6 166/25 173/8 177/22 194/11			
			G		
			gainful [1] 44/9 gainfully [1] 191/9 gamble [1] 32/13 game [1] 186/5 gangplank [1] 33/8 gatekeeper [1] 127/12 gather [1] 186/25		

gathering [2] 203/14 218/9
gave [4] 56/1 144/21 190/7
 196/19
gears [1] 35/7
general [5] 22/10 46/13
 121/17 205/1 209/16
generalized [2] 207/11 208/7
generally [4] 78/21 78/22
 131/6 194/1
generated [2] 80/2 103/24
gentlemen [3] 148/2 169/15
 226/11
get [77] 10/15 10/24 12/16
 16/8 25/21 29/13 29/14 29/25
 32/7 33/6 35/18 36/6 37/4
 38/22 43/18 43/24 46/15 69/7
 72/3 73/21 75/17 76/4 82/3
 84/12 84/19 86/5 89/6 90/1
 92/22 94/23 96/20 97/8
 110/12 111/12 115/6 115/12
 115/23 120/8 121/10 121/20
 122/2 122/15 122/22 125/8
 131/25 132/1 133/19 135/23
 138/20 140/23 141/4 151/18
 152/4 152/12 153/9 153/16
 157/11 159/7 160/4 162/1
 164/7 167/6 167/11 174/8
 176/9 184/23 187/9 189/8
 197/7 199/7 201/2 201/2
 206/10 217/7 220/13 223/3
 226/16
gets [11] 83/25 97/24 108/6
 116/8 116/9 120/20 121/7
 139/25 140/21 153/21 159/6
getting [18] 8/13 8/13 37/2
 73/5 73/6 73/6 96/15 100/2
 115/6 121/18 122/20 128/1
 140/11 157/7 175/10 176/6
 188/24 217/10
getting those [1] 175/10
gifted [1] 187/20
Gilford [3] 22/23 23/3 23/8
girl [2] 6/6 12/7
gist [1] 189/6
give [36] 4/20 6/5 15/19
 15/21 19/10 35/16 40/16
 42/21 42/21 53/13 71/14
 71/22 77/15 78/10 109/6
 117/25 118/21 122/5 122/6
 122/8 123/10 126/4 132/7
 132/7 147/20 155/8 155/13
 158/20 169/3 171/5 180/6
 189/6 195/2 221/3 226/14
 226/15
given [13] 49/1 50/20 63/3
 64/3 127/24 128/3 145/2
 145/19 156/8 157/22 181/14
 186/10 203/6
gives [1] 125/20
giving [1] 118/9
glass [2] 195/14 195/15
go [79] 5/10 7/14 7/17 8/7
 8/13 19/13 21/12 26/12 32/13
 33/5 34/10 34/22 35/3 36/6
 36/16 38/2 38/20 38/22 39/16
 40/3 42/3 43/13 44/5 45/9
 47/17 49/14 57/21 61/17
 71/16 75/12 81/19 84/24 90/2
 94/23 106/3 112/7 112/9
 112/10 115/12 116/19 118/6

144/13 146/14 153/1 158/21
159/10 161/14 163/11 167/18
167/20 167/25 168/12 173/18
181/7 181/24 182/8 185/5
187/24 191/3 191/6 192/17
192/20 192/22 194/8 194/18
206/11 212/11 214/11 216/6
223/13 226/9
goal [1] 219/10
God [1] 61/18
goes [26] 9/1 19/4 64/11
64/13 64/19 65/5 67/8 82/18
82/20 82/23 107/6 107/6
118/1 120/1 123/4 131/14
136/11 141/16 153/21 153/23
157/13 191/2 194/18 207/19
222/16 222/22
going [110] 4/6 4/12 8/12
16/3 16/7 17/18 19/3 21/19
23/7 26/9 26/14 36/9 36/21
38/17 39/20 44/3 47/2 47/17
58/12 62/16 62/19 74/5 75/12
75/25 76/1 76/2 76/7 76/7
76/8 76/9 76/10 83/10 89/23
91/13 91/19 91/20 92/9 92/16
92/17 96/16 96/17 97/8 97/18
97/19 97/21 98/21 101/22
102/16 102/17 102/19 103/6
103/7 104/14 104/20 108/3
108/5 109/23 110/3 111/25
112/4 115/23 118/19 122/14
123/12 126/14 130/14 132/2
132/20 133/14 133/14 138/16
145/4 153/16 155/18 157/17
162/5 162/7 164/16 164/23
165/22 165/24 166/1 166/4
166/5 168/9 168/20 168/23
171/19 171/23 173/9 175/24
182/8 186/1 186/1 189/24
190/25 206/8 207/13 207/16
208/1 210/14 210/22 211/14
217/11 217/25 219/19 220/15
222/21 225/12 225/24
going to [1] 76/7
gone [15] 8/24 38/25 56/18
65/11 65/12 82/7 95/14 95/15
113/19 114/18 132/24 133/5
152/15 167/9 202/14
good [21] 21/3 22/17 31/18
34/5 35/15 49/8 51/7 59/17
77/7 77/8 87/10 87/11 99/17
120/19 139/25 140/1 168/20
196/7 208/20 215/24 216/3
Goodgine [8] 10/20 10/23
10/25 11/2 11/6 11/9 11/17
14/18
got [41] 12/6 31/9 45/7 67/14
72/10 75/18 77/21 82/7 84/23
94/22 95/15 96/4 104/13
111/5 113/8 115/13 131/22
138/12 140/13 148/23 160/23
165/19 166/17 166/20 166/23
168/2 177/6 177/23 184/11
195/17 197/7 200/4 200/6
200/15 200/19 200/19 200/24
204/16 213/17 220/7 220/17
gotten [11] 11/6 11/15 65/24
97/9 97/12 97/16 111/7
120/12 141/13 152/14 223/19
government [2] 53/15 163/24

94/13 94/14 96/18 113/20
167/20
graduated [1] 113/6
graduates [1] 114/15
graduation [1] 42/10
grasp [1] 133/8
gratitude [1] 186/15
great [5] 21/12 31/16 31/17
31/21 169/7
greater [2] 164/2 194/1
greatest [1] 219/1
greatly [1] 191/9
Green [1] 18/1
grocery [2] 30/1 33/3
gross [1] 123/20
grossest [1] 62/20
grounding [1] 113/11
grounds [2] 36/15 131/1
group [2] 93/7 207/8
groups [1] 209/22
grow [5] 112/13 112/13 112/13
117/8 117/24
grownups [1] 115/4
growth [54] 86/7 86/25 101/16
101/19 116/16 116/20 116/23
116/23 117/6 122/15 122/21
122/25 124/8 124/12 124/15
124/16 124/17 124/19 127/3
129/5 131/2 131/4 132/3
132/13 132/13 137/19 137/21
137/23 138/6 138/19 138/21
139/4 141/4 146/15 146/17
146/25 146/25 148/15 149/9
150/4 150/5 151/6 151/10
151/22 152/21 153/3 153/4
153/5 153/17 153/20 154/7
159/19 161/16 162/9
guess [10] 13/4 21/24 44/21
60/15 99/5 104/18 166/20
183/17 186/15 193/2
guy [1] 72/10
guys [1] 220/8

H

```
H-07-CV-2719 [1] 1/4
hacked [4] 195/20 195/20
195/22 195/22
had [232]
hair [3] 8/19 10/9 10/13
half [3] 43/14 197/20 197/21
HALLIBURTON [3] 1/6 74/3
111/17
hand [5] 71/5 105/8 161/14
161/14 168/25
handle [2] 147/21 217/11
handy [2] 104/5 148/23
happen [14] 38/24 52/21 102/8
112/11 112/12 145/4 145/13
146/3 173/15 198/4 204/14
216/4 223/8 224/19
happened [29] 8/15 21/10
21/18 22/4 22/11 29/18 29/20
29/21 29/23 39/2 39/4 39/21
62/7 63/11 75/25 128/9
128/10 128/19 146/3 174/23
174/25 175/2 193/6 196/14
199/8 202/15 202/16 203/23
219/8
happening [8] 176/14 180/14
182/3 185/15 185/17 185/19
```

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 244 of 269		
<p>happening... [2] 186/2 205/25 happens [6] 11/17 72/23 72/23 186/6 209/18 226/6 happy [5] 8/21 21/15 31/13 71/23 171/11 harassment [2] 18/1 18/8 hard [11] 19/1 24/5 67/13 81/25 98/19 113/12 126/9 126/9 126/24 127/19 128/24 harmed [1] 9/19 harmonized [1] 13/22 Harris [1] 114/10 harvest [1] 93/6 has [105] 6/2 10/23 13/16 14/18 16/21 19/4 19/19 25/13 33/1 33/23 42/15 43/10 50/5 52/3 53/5 55/4 55/7 55/12 55/13 60/20 60/21 61/13 62/6 62/7 62/8 62/14 62/23 65/10 66/14 66/19 72/1 72/17 73/4 73/10 74/14 76/24 76/25 85/6 90/6 90/13 94/14 97/13 97/23 103/8 104/15 104/16 111/9 111/11 112/17 113/24 120/19 126/16 126/20 128/4 128/10 130/7 130/16 131/2 131/4 131/8 132/22 133/11 134/13 136/13 137/10 142/13 145/2 145/25 145/25 146/10 151/2 152/14 166/11 169/25 172/2 172/4 172/7 172/10 172/11 172/17 172/18 173/24 174/24 175/12 175/19 177/4 178/5 178/16 178/25 179/3 180/22 180/22 188/21 191/24 192/22 193/24 193/25 205/19 206/10 207/19 211/11 212/5 218/14 219/10 225/12 hasn't [1] 119/10 have [455] have -- you [1] 194/2 haven't [4] 61/23 70/7 74/16 148/2 having [27] 21/24 22/4 23/20 25/5 27/15 33/21 47/14 47/25 48/7 60/16 70/9 96/25 113/4 113/11 172/14 181/11 186/5 190/1 192/15 192/16 192/19 193/9 204/20 213/20 213/25 220/14 225/16 hazard [1] 58/19 he [93] 10/20 11/20 14/18 14/21 14/21 26/20 26/25 27/5 27/5 29/8 39/18 72/12 72/13 72/17 73/4 74/8 74/9 74/9 74/14 74/16 75/20 75/20 88/25 110/10 110/10 110/13 110/20 110/20 111/6 111/7 111/23 112/3 112/8 112/17 118/11 120/16 120/19 120/20 120/20 120/21 120/23 120/23 121/3 121/4 121/10 121/11 121/12 122/4 123/11 125/10 125/22 126/1 126/1 126/12 126/14 126/16 126/17 127/2 127/2 127/2 127/3 127/6 127/8 128/2 128/2 130/15 130/16 131/2 131/2 131/4 131/14 131/14 131/15 131/17 132/17 132/22 142/15 143/3</p>	<p>143/20 143/14 143/22 144/1 144/18 164/18 198/19 199/18 199/22 220/7 221/23 222/1 222/8 222/10 222/11 he's [20] 17/18 61/14 72/12 75/1 75/19 126/22 126/23 128/22 128/23 129/7 129/8 130/21 130/22 130/23 131/9 132/16 132/20 132/21 143/2 164/5 head [8] 34/3 106/21 183/19 189/9 202/21 203/3 208/19 212/8 heading [1] 36/9 heal [1] 210/12 health [3] 134/10 134/18 179/7 healthcare [1] 22/14 hear [13] 6/19 9/6 9/7 9/12 21/15 22/2 41/4 52/4 62/16 69/10 73/13 73/18 171/22 heard [25] 4/13 7/10 10/20 14/5 17/5 28/20 32/16 32/23 33/21 61/21 62/3 62/6 62/8 62/14 66/14 66/19 69/19 71/7 72/1 99/23 113/9 114/8 165/17 182/22 221/22 hearing [4] 21/25 63/20 118/15 184/20 hearsay [12] 62/21 63/2 64/21 64/25 65/21 68/7 68/8 68/23 68/24 69/2 69/20 69/25 heart [7] 29/4 29/6 65/5 204/15 205/3 205/15 206/1 Hedges [9] 2/5 2/5 58/2 130/10 164/12 217/12 219/25 220/3 227/1 Heidi [2] 1/15 8/9 heightened [1] 183/20 Hello [1] 9/11 help [13] 29/13 29/15 30/4 35/18 42/2 44/5 92/19 113/18 138/15 171/9 175/24 193/4 213/16 helped [1] 65/13 helplessness [6] 172/8 175/1 175/3 175/6 175/13 175/18 helps [1] 41/22 her [410] here [105] 6/7 8/23 17/19 20/13 28/12 29/10 34/20 38/16 40/12 43/11 62/13 64/2 66/20 67/10 68/23 72/3 76/14 81/9 81/18 81/21 81/23 82/2 82/16 83/19 83/24 84/7 87/16 88/9 95/20 95/21 96/5 96/12 98/17 99/7 99/15 101/24 103/21 104/10 105/8 106/7 106/25 107/11 107/14 108/9 110/1 110/4 110/12 112/3 112/13 118/23 120/19 123/2 124/8 125/4 126/2 128/2 130/14 132/10 132/15 133/18 134/8 134/21 135/10 135/24 140/22 141/10 142/23 144/14 145/7 147/7 147/12 152/3 152/12 153/21 155/7 158/5 158/9 158/16 158/22 159/25 160/6 160/23 161/14 163/1 164/21 165/23 166/21 168/21 168/22 168/23 171/15 174/8 175/24 178/1 185/15 185/20</p>	<p>186/1 188/8 183/1 202/1 212/1 214/2 220/17 222/13 223/3 here's [6] 51/23 72/21 81/21 81/23 110/8 112/2 heroically [1] 226/20 herself [14] 7/18 15/23 29/25 34/6 35/4 35/25 45/5 57/23 60/22 62/23 63/4 111/15 216/18 221/11 Hi [3] 5/4 38/14 38/15 hiding [1] 71/3 high [19] 73/2 75/8 80/10 83/16 89/8 95/18 102/3 111/15 113/6 113/25 114/15 130/18 140/14 140/14 140/20 141/2 141/13 165/11 170/23 higher [6] 73/8 84/13 84/19 113/8 129/1 157/13 highest [3] 90/19 121/25 144/2 highlight [6] 99/12 99/15 99/18 139/19 139/20 213/11 highlighted [4] 26/17 27/8 101/23 214/12 highlighter [2] 81/23 81/23 highlighting [2] 142/4 213/10 highway [1] 36/7 him [14] 61/10 70/13 71/11 77/1 81/9 81/11 110/21 111/25 112/3 118/21 133/14 144/17 195/19 199/2 himself [1] 118/13 hire [3] 51/2 98/24 99/3 hiring [1] 51/4 his [53] 11/7 27/10 27/12 39/18 57/16 73/2 80/17 89/1 89/3 89/4 89/4 110/22 110/25 110/25 110/25 112/5 112/17 118/12 120/18 120/20 121/4 121/20 122/4 124/20 125/10 125/12 126/16 126/21 126/21 127/8 128/18 129/8 129/15 130/1 130/2 130/14 130/15 130/21 130/22 130/22 130/23 131/2 131/14 132/17 132/21 132/22 133/2 133/6 133/14 143/6 144/4 164/19 187/21 history [19] 44/7 44/8 91/10 96/8 96/11 96/21 98/13 98/22 121/9 125/19 129/19 145/11 212/22 212/24 213/7 214/6 216/11 216/14 216/23 hit [4] 22/21 24/21 27/5 29/9 hitting [2] 22/25 23/6 Holcombe [1] 2/4 hold [1] 49/1 holding [2] 12/19 127/17 holds [3] 84/15 94/12 121/12 home [22] 28/24 29/7 35/12 35/13 36/16 37/18 38/7 47/20 47/22 47/25 48/7 49/21 57/8 59/1 59/6 59/7 59/8 59/12 109/5 145/25 158/21 158/21 homebound [2] 48/2 59/15 homes [3] 59/3 59/14 59/17 homework [1] 158/22 honeymoon [3] 31/10 31/11 31/23 Honor [85] 4/3 4/24 6/24 8/21 10/3 10/7 11/8 11/13 12/9</p>

H Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 245 of 269		
Honor... [76] 13/16 13/23 14/16 14/20 16/17 17/12 17/16 17/18 18/10 18/16 18/24 19/1 19/18 19/23 20/4 20/20 38/10 39/19 39/24 40/1 40/8 40/22 49/4 60/7 60/23 61/9 61/15 62/8 62/14 63/11 64/9 64/20 64/23 65/6 67/1 67/7 67/11 68/2 68/8 68/19 68/21 68/25 69/2 69/11 70/18 73/19 74/21 75/15 76/5 77/1 80/5 80/7 80/13 81/8 85/12 100/11 118/13 121/2 128/8 130/11 132/15 133/6 147/15 148/20 168/3 168/5 168/13 168/15 169/11 171/12 179/23 187/23 223/1 223/4 226/8 227/4 HONORABLE [1] 1/10 hooked [1] 47/22 hopefully [3] 33/24 61/22 194/15 horizontal [2] 139/14 159/5 horrible [2] 210/15 210/18 horrified [5] 199/17 199/19 199/20 199/24 220/9 horror [10] 172/8 175/1 175/3 175/6 175/13 175/18 196/14 200/10 202/24 204/1 hospital [2] 203/18 203/21 hour [5] 35/16 43/8 43/15 44/13 204/1 hours [11] 36/13 37/6 38/5 43/9 57/6 58/16 74/3 144/25 145/19 147/10 203/19 house [2] 38/16 57/6 housing [2] 5/11 5/24 HOUSTON [14] 1/2 1/4 2/7 2/12 2/15 35/9 38/17 78/6 145/14 169/22 170/15 170/17 174/11 180/11 how [110] 7/7 21/18 22/14 22/15 24/5 29/24 34/11 39/20 41/3 41/5 43/7 43/9 43/25 45/21 46/11 46/15 50/10 52/1 53/9 53/12 53/12 53/18 53/21 53/21 57/20 58/3 66/2 68/4 68/21 86/12 86/15 86/21 88/18 91/22 93/24 102/12 104/24 104/25 107/9 107/10 108/4 108/11 109/15 109/17 109/23 112/7 125/10 126/2 126/3 134/19 135/11 139/12 139/13 140/18 144/11 145/9 145/19 146/19 147/16 147/16 147/18 147/20 151/14 154/18 154/25 155/3 155/22 161/18 167/19 169/23 171/1 174/5 174/20 174/21 175/7 180/19 180/20 183/3 183/3 184/7 185/19 185/19 186/1 186/6 186/9 187/9 189/1 189/2 190/13 190/18 190/20 192/22 193/2 194/23 197/17 197/17 201/2 201/11 201/13 201/16 201/24 207/25 211/4 211/12 211/12 217/12 217/14 219/18 221/10 224/24 however [10] 13/23 61/24 66/11 104/14 119/2 125/12	huge [2] 85/13 111/4 huh [8] 196/17 200/12 201/10 202/18 204/8 207/10 213/8 214/17 human [5] 14/22 15/1 18/5 92/4 209/21 hundred [2] 56/5 125/24 hundreds [1] 33/7 hurry [1] 217/19 hurt [1] 166/2 hurting [1] 220/15 husband [9] 28/24 61/7 61/8 61/13 65/15 65/16 70/12 71/10 190/25 hyper [1] 176/9 hyper-focused [1] 176/9 hyperarousal [10] 173/11 173/12 173/22 177/7 178/9 178/10 178/21 207/9 207/11 207/20 hypervigilance [3] 173/13 178/14 183/10 hypervigilant [3] 183/1 183/4 183/5 hypnotherapist [2] 186/21 186/22 hypnotherapy [7] 185/21 186/18 186/19 187/11 219/6 219/7 219/12 hypothetical [1] 89/18 hypothetically [1] 193/8 I I'd [5] 34/8 37/17 75/20 118/11 147/23 I'll [17] 38/10 61/16 62/5 76/14 119/12 143/25 164/8 171/11 174/8 178/23 179/24 187/24 193/2 200/3 217/19 222/15 223/4 I'm [120] 8/21 10/7 11/24 12/25 13/17 14/16 21/15 29/3 29/14 30/16 32/16 32/24 33/21 34/16 35/15 37/4 37/18 39/16 39/19 39/21 41/15 46/24 49/10 53/9 53/9 54/22 59/1 62/16 66/22 68/24 68/25 71/4 71/23 72/4 73/12 74/10 74/11 75/12 75/25 75/25 76/2 77/18 87/12 94/9 95/5 95/19 95/20 97/8 97/8 100/12 100/12 100/17 104/1 104/18 110/3 111/25 112/5 113/4 113/15 118/19 127/13 131/21 131/22 132/2 133/9 133/13 133/14 134/19 134/20 135/2 135/9 138/10 143/18 144/16 146/5 147/16 153/5 156/6 156/21 156/22 157/16 162/7 163/22 164/15 167/5 167/8 169/17 169/18 169/22 171/17 173/5 173/9 175/11 175/11 175/25 177/12 178/6 179/11 182/7 183/16 185/8 186/20 186/21 186/21 187/23 193/1 196/19 197/15 198/1 200/25 203/4 203/5 205/1 210/5 213/23 214/20 217/10 217/24 223/23 225/16 I've [44] 9/11 13/20 17/5 28/19 28/20 31/2 42/15 42/16	43/18 42/18 49/10 60/2 70/18 71/12 78/8 81/17 94/7 95/2 95/2 98/20 99/23 100/11 100/18 107/11 113/9 113/21 113/23 114/11 115/13 116/12 127/24 135/13 142/14 151/1 157/18 166/23 177/6 180/9 180/16 183/16 188/7 203/6 208/25 221/22 idea [11] 63/1 63/15 86/15 93/11 93/14 94/1 94/6 94/17 97/15 144/24 163/14 ideation [1] 216/11 identified [1] 20/11 identify [3] 89/16 89/20 89/20 if [199] 4/5 7/3 7/18 9/9 11/6 11/13 12/6 13/16 13/21 14/5 14/21 17/18 17/25 20/22 21/13 22/1 22/5 22/5 22/14 23/16 24/24 25/1 25/5 25/7 25/17 26/19 27/18 28/10 28/14 30/6 30/16 33/19 33/23 33/24 34/4 34/16 34/18 35/18 40/19 47/14 50/9 54/1 54/4 54/17 55/6 56/17 59/20 60/1 61/6 63/8 65/7 66/1 66/16 68/2 68/2 68/16 69/4 69/9 70/7 70/22 71/21 76/1 76/6 76/7 81/15 81/19 81/21 81/22 83/16 84/23 85/20 85/24 88/23 91/14 91/17 92/13 92/19 93/19 95/21 96/11 96/15 96/16 96/17 97/6 97/17 97/24 99/11 99/14 99/18 104/10 104/15 104/16 106/6 107/5 108/2 110/11 116/6 117/1 117/6 117/14 119/3 120/1 120/5 120/16 121/6 124/22 124/23 125/6 126/3 128/3 128/19 129/14 130/15 130/17 130/19 131/24 132/17 134/1 135/11 139/17 139/19 140/3 141/4 142/18 144/9 144/10 144/12 145/5 145/22 146/14 147/19 148/5 149/18 150/16 151/21 153/14 154/20 156/3 156/13 156/16 156/24 157/7 157/25 159/14 161/5 161/22 161/23 162/1 162/13 162/19 165/4 165/18 166/1 166/3 166/20 166/21 166/25 167/11 168/24 171/20 173/16 178/1 179/24 181/25 185/17 188/6 188/22 191/19 193/8 193/12 194/20 197/6 199/5 203/5 203/9 203/9 203/14 205/18 205/24 209/12 209/24 213/4 213/9 214/2 214/7 214/23 215/9 216/7 217/8 217/22 217/22 220/16 220/17 222/4 223/25 224/3 224/18 226/3 227/1 if it [1] 224/3 ignorance [1] 112/5 II [1] 225/25 Illinois [1] 41/20 illness [1] 193/15 illustrate [1] 151/16 images [2] 176/13 218/22 immaterial [1] 67/17 immediate [1] 46/20

I Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 246 of 269		
<p>immediately [3] 66/12 206/16 223/25</p> <p>impact [7] 101/22 138/9 138/11 146/20 191/12 191/13 192/22</p> <p>impaired [2] 41/25 190/22</p> <p>impairment [2] 173/25 181/12</p> <p>impairs [1] 191/9</p> <p>impeach [5] 10/4 11/11 19/4 67/10 67/21</p> <p>impeaching [1] 67/18</p> <p>impeachment [1] 14/6</p> <p>implication [4] 13/24 14/2 14/3 19/18</p> <p>imply [1] 145/23</p> <p>import [2] 63/19 63/22</p> <p>importance [1] 226/19</p> <p>important [15] 15/5 15/8 63/9 91/19 173/2 174/1 177/14 179/15 179/18 179/20 180/13 188/15 188/17 188/20 212/14</p> <p>impossible [1] 111/1</p> <p>impression [3] 36/24 37/3 64/13</p> <p>improper [1] 64/5</p> <p>improve [7] 142/18 143/7 144/9 144/12 144/15 145/5 163/7</p> <p>improvement [1] 143/4</p> <p>inability [3] 173/2 177/4 177/14</p> <p>inaccurately [1] 22/6</p> <p>INC [1] 1/7</p> <p>incident [36] 28/21 44/6 45/10 47/15 78/24 79/3 79/11 79/23 82/9 82/18 82/19 83/11 83/23 93/11 93/11 94/2 94/6 94/18 94/21 97/23 98/2 103/12 116/22 120/11 123/8 123/8 128/10 135/14 135/16 141/11 147/6 150/6 150/6 150/21 150/21 151/2</p> <p>incidents [1] 31/18</p> <p>include [8] 53/6 53/10 90/12 92/2 102/13 103/5 104/11 114/20</p> <p>included [7] 12/5 86/8 88/13 102/10 102/19 112/17 116/2</p> <p>includes [6] 53/7 58/16 134/2 172/24 172/24 214/18</p> <p>including [4] 60/21 67/25 101/2 202/16</p> <p>incoherent [1] 198/14</p> <p>income [63] 45/12 46/19 73/24 73/24 79/4 79/4 102/6 102/11 102/12 102/13 102/20 102/23 103/2 103/3 103/7 103/11 103/13 103/23 103/24 104/4 104/21 104/21 104/22 104/24 104/25 104/25 105/3 105/12 105/13 106/8 106/14 106/22 106/22 107/5 107/17 107/24 107/25 108/1 108/14 108/20 109/3 109/9 109/12 109/12 109/14 109/16 109/24 109/24 110/9 110/14 110/16 110/17 112/16 116/3 116/5 116/10 116/11 136/5 136/7 144/10 156/25 157/20 158/12</p> <p>incomes [1] 125/15</p>	<p>incorrect [1] 123/2 123/10 132/3 151/25 152/2 153/6</p> <p>incorrectly [1] 165/4</p> <p>increase [14] 117/4 117/17 117/20 118/9 118/24 121/21 123/9 123/13 138/8 138/9 138/13 141/5 141/5 206/11</p> <p>increased [5] 97/20 117/19 131/3 139/4 140/10</p> <p>increases [14] 116/20 118/1 122/9 122/11 122/14 122/16 123/7 123/11 131/25 132/1 132/7 140/20 141/4 141/17</p> <p>increasing [6] 124/18 124/20 140/4 151/24 152/23 153/15</p> <p>incurred [1] 78/16</p> <p>indeed [1] 216/18</p> <p>independent [1] 119/7</p> <p>independently [2] 126/17 191/3</p> <p>INDEX [1] 3/1</p> <p>indicating [1] 195/20</p> <p>indication [1] 74/5</p> <p>indicia [2] 69/21 69/22</p> <p>individual [11] 43/23 44/5 46/5 57/14 80/8 91/4 129/21 132/5 184/5 209/21 210/7</p> <p>individual's [1] 183/7</p> <p>individually [3] 132/5 170/5 210/5</p> <p>individuals [2] 42/20 46/3</p> <p>industry [4] 50/17 82/8 87/4 94/5</p> <p>infer [1] 91/8</p> <p>inflated [2] 124/19 132/11</p> <p>inflates [1] 120/21</p> <p>inflation [37] 86/3 86/8 87/1 101/20 116/24 116/25 117/8 117/18 117/19 117/22 118/1 118/6 118/10 118/25 119/5 120/10 120/21 121/8 121/14 138/4 138/5 138/10 138/11 138/13 146/19 146/22 161/5 161/11 161/16 161/18 161/23 161/24 162/3 162/9 162/10 162/22 162/22</p> <p>influence [1] 71/16</p> <p>influenced [3] 66/14 71/20 216/2</p> <p>information [47] 43/24 46/15 46/17 47/2 47/4 47/13 47/19 48/13 50/22 52/11 53/13 53/15 53/17 56/8 56/14 73/21 90/17 90/25 91/9 92/1 92/10 94/15 95/11 95/22 95/22 96/20 97/11 97/14 185/15 186/25 192/10 200/4 200/6 200/9 201/3 201/12 201/13 201/17 203/14 212/14 212/18 212/20 214/24 215/20 215/24 216/12 217/7</p> <p>informational [2] 85/18 209/20</p> <p>informed [2] 22/24 67/12</p> <p>informing [1] 24/18</p> <p>inherently [1] 121/15</p> <p>initial [8] 46/4 88/6 185/3 187/6 212/12 212/13 213/2 214/15</p> <p>injured [6] 128/12 128/16 128/20 131/25 142/14 147/2</p> <p>injuries [9] 30/8 30/12 59/5</p>	<p>injury [8] 43/25 43/25 44/12 128/21 131/20 172/5 223/19 223/25</p> <p>inoculation [4] 185/22 186/4 219/15 219/16</p> <p>inquire [2] 4/23 169/10</p> <p>ins [1] 37/19</p> <p>inside [4] 22/21 92/4 182/18 221/15</p> <p>insight [1] 217/8</p> <p>inspirational [1] 226/17</p> <p>inspired [1] 204/1</p> <p>instance [5] 7/17 22/16 96/4 120/7 128/24</p> <p>instances [1] 183/18</p> <p>instantaneously [1] 203/23</p> <p>instead [5] 94/13 94/14 189/8 206/23 213/11</p> <p>institutions [1] 113/8</p> <p>instruct [1] 110/21</p> <p>instructed [3] 112/15 120/16 125/3</p> <p>instruction [1] 71/22</p> <p>instructions [1] 71/14</p> <p>instructions' [1] 67/16</p> <p>instructor [7] 45/13 52/17 54/23 54/25 55/21 89/2 94/4</p> <p>instructors [12] 36/14 52/6 52/9 52/15 52/22 53/2 53/7 53/23 55/5 55/9 56/6 56/11</p> <p>insurance [4] 42/17 42/20 46/2 134/12</p> <p>integrity [1] 172/6</p> <p>intellectually [1] 129/4</p> <p>intelligence [3] 50/18 51/6 57/17</p> <p>intelligent [1] 113/4</p> <p>intend [1] 10/3</p> <p>intended [1] 73/8</p> <p>intense [7] 172/15 172/21 172/21 176/16 187/4 188/21 204/6</p> <p>intensity [2] 186/20 219/7</p> <p>intent [2] 68/11 68/12</p> <p>intentionally [1] 130/9</p> <p>inter [1] 67/22</p> <p>inter-continently [1] 67/22</p> <p>intercourse [1] 213/19</p> <p>interest [31] 87/2 101/21 101/21 109/6 154/19 154/21 156/4 156/18 156/21 157/4 157/11 157/12 157/24 157/25 158/1 158/3 158/13 159/19 159/23 160/5 160/7 160/8 160/9 160/11 160/17 161/21 163/1 163/3 167/23 173/3 177/18</p> <p>interested [1] 133/9</p> <p>Interesting [1] 219/22</p> <p>intermediate [1] 160/15</p> <p>intermingling [1] 37/1</p> <p>interpersonal [2] 211/16 211/19</p> <p>interpret [1] 51/18</p> <p>interview [8] 43/15 43/24 46/7 49/17 49/23 50/3 50/8 215/21</p> <p>interviewed [2] 49/22 49/24</p> <p>interviews [3] 222/24 223/9 223/10</p>

I Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 247 of 269		6/3/12
intimidate [1] 5/23	82/24 82/25 84/22 85/2 85/14	jointly [1] 118/7
intimidating [1] 6/5	85/21 90/10 90/20 91/13	JONES [137] 1/3 5/8 5/11 5/23
into [42] 11/6 11/15 12/16	91/14 91/20 93/4 94/17 97/15	6/2 6/4 6/8 6/10 6/13 7/3
12/18 19/13 21/25 30/21	97/17 99/1 99/1 101/4 102/9	7/6 9/17 14/12 15/16 17/3
40/20 43/18 56/2 61/12 79/17	102/13 102/17 103/2 103/3	19/19 19/25 20/1 23/3 29/16
79/25 82/3 92/22 109/16	104/20 107/15 107/19 108/1	31/14 42/24 42/25 43/12
115/23 116/9 126/16 130/5	108/2 108/19 109/1 109/12	44/14 49/15 49/22 49/24 50/4
132/24 133/5 140/19 154/24	109/14 109/19 110/15 110/16	50/16 50/18 52/13 54/6 54/21
155/12 159/19 169/8 176/4	110/16 112/12 113/18 115/6	55/16 55/20 56/12 57/5 57/20
181/7 189/8 192/24 194/17	117/7 117/20 119/8 120/4	57/23 58/8 59/1 59/20 60/22
195/10 195/11 195/12 195/15	120/4 121/15 121/16 121/16	62/9 62/10 63/4 65/7 65/19
195/19 195/22 195/22 207/19	121/17 121/23 127/1 127/10	66/22 68/12 69/24 70/9 71/10
223/19 226/18	128/11 128/14 129/3 129/17	72/21 73/7 73/20 74/2 74/17
introduce [3] 70/6 77/1	130/2 130/8 130/9 131/6	75/16 78/16 82/6 83/16 84/15
169/15	132/14 136/1 138/5 138/10	85/5 88/20 89/7 89/17 93/17
introductory [1] 4/4	140/25 144/24 145/3 147/1	94/13 95/8 95/10 96/15 96/15
intrusive [3] 172/12 176/3	147/3 147/3 147/5 150/3	96/16 96/17 96/25 97/2 97/9
188/21	150/19 150/19 150/21 151/4	102/1 102/23 103/11 103/22
intuitively [1] 91/7	151/25 152/2 152/19 152/22	117/9 117/14 118/24 119/3
invest [5] 154/25 155/4	153/6 153/7 153/23 154/20	120/8 125/13 126/4 129/15
157/25 158/18 164/1	154/20 154/22 155/19 155/20	134/13 136/4 136/21 137/10
invested [4] 156/3 156/13	156/17 159/5 160/16 160/18	137/17 141/10 142/10 142/22
158/1 159/23	164/6 165/22 165/24 165/25	142/23 144/1 144/20 145/14
investigation [1] 16/7	168/1 169/7 171/23 172/1	145/22 150/1 150/16 150/25
investigator [1] 14/22	176/8 178/15 180/24 182/1	163/11 164/22 170/7 174/5
investing [1] 156/7	182/1 182/11 182/12 184/3	174/15 179/13 181/16 190/16
investment [6] 156/17 156/18	185/17 186/10 188/25 190/24	190/21 196/11 197/15 198/5
159/15 161/13 163/5 163/14	190/24 191/3 191/4 192/24	201/11 201/19 202/4 202/8
investor [1] 163/12	194/8 203/4 206/22 207/19	204/10 204/13 204/22 206/3
investors [1] 164/1	208/17 208/24 208/24 209/21	206/6 208/14 209/7 212/5
involve [2] 172/4 172/7	209/22 210/11 210/22 211/16	212/21 218/5 219/11 220/4
involved [6] 27/13 28/21	211/17 212/14 213/15 214/5	220/12 220/21
42/24 45/8 87/17 200/7	214/9 214/9 215/18 219/18	Jones' [33] 6/16 6/19 13/25
involves [5] 58/19 78/23	219/18 225/14 226/17	13/25 14/11 15/2 19/7 52/4
79/24 182/20 212/21	items [3] 11/1 207/8 212/11	52/5 54/15 56/19 56/20 64/12
Iowa [1] 77/22	its [5] 127/15 130/14 191/5	65/18 88/11 89/1 93/7 94/10
Iraq [17] 6/11 15/12 17/3	210/4 226/14	104/4 104/11 105/7 106/2
34/2 45/2 45/10 46/25 47/2	itself [2] 64/7 69/24	116/17 117/2 119/22 121/5
59/23 68/11 82/7 146/3 197/3	IV [2] 2/9 204/6	121/22 128/25 134/22 140/9
206/14 214/3 221/5 221/8	J	141/20 150/9 196/1
irrelevant [7] 18/16 97/3	jackets [1] 33/15	Joseph [1] 38/11
98/15 98/20 99/1 99/6 214/5	JAMIE [74] 1/3 4/5 4/12 4/13	journal [1] 187/13
irritability [2] 173/13	5/1 5/7 6/1 6/4 6/8 6/10	journaling [1] 185/4
178/11	6/13 6/16 6/19 8/8 8/14 8/19	judge [35] 1/11 9/9 9/12 14/5
IRS [7] 102/18 107/13 107/15	10/12 11/7 12/2 12/11 12/13	69/12 70/22 71/1 71/3 71/15
107/19 107/24 109/15 109/22	13/6 13/8 13/10 14/19 14/25	71/18 71/20 72/4 72/12 73/15
is [650]	15/2 15/16 16/10 17/3 17/7	74/14 75/2 109/25 110/5
is deny [1] 216/10	39/2 39/5 42/24 43/11 46/7	119/11 119/17 120/14 121/23
isn't [18] 7/7 13/13 15/3	47/3 47/9 48/10 48/15 48/17	124/25 125/9 125/19 126/17
15/23 16/8 55/18 55/25 59/11	48/23 61/17 61/17 93/17	127/1 127/14 127/20 128/18
88/24 109/13 109/20 120/4	170/7 170/9 170/18 174/5	129/3 130/13 164/8 165/3
121/2 123/1 150/25 152/24	179/13 180/3 180/5 180/20	165/18
160/11 219/10	181/16 183/10 183/15 183/24	juice [1] 8/2
isolated [1] 181/8	184/19 186/16 187/15 190/16	July [8] 5/10 5/11 68/13
issue [7] 34/18 46/10 46/13	190/21 192/22 193/8 193/18	79/14 79/15 195/7 195/10
57/13 60/13 128/9 161/25	193/21 194/3 194/11 194/14	215/15
issues [2] 34/22 196/9	196/1 224/24 225/6 225/9	July 28 [3] 5/11 79/14 79/15
it [585]	225/15	JUNE [2] 1/5 227/10
It -- you [1] 188/25	Jamie's [15] 7/11 10/9 10/15	junior [1] 53/23
IT field [1] 141/14	10/23 11/6 11/15 11/25 23/16	junk [1] 125/1
IT industry [1] 82/8	38/22 43/2 44/20 169/18	jury [73] 1/10 4/2 4/9 13/17
it's [186] 9/2 13/19 13/20	182/24 187/2 189/10	14/8 18/22 20/1 21/24 24/8
14/7 14/9 14/13 18/17 19/1	January [2] 87/19 215/12	41/4 51/12 52/4 54/1 56/12
19/19 19/22 19/22 22/6 24/6	Jo [1] 18/14	58/21 60/11 60/18 60/19
32/6 33/7 36/21 41/19 45/14	Joanne [1] 2/3	60/21 61/21 62/6 62/8 62/14
47/11 53/7 53/20 53/22 60/15	job [15] 35/8 44/11 45/15	62/17 66/13 66/14 66/16
61/4 61/4 62/20 62/21 62/24	46/20 47/13 48/8 57/16 91/14	66/19 67/15 70/3 71/16 72/1
63/1 64/22 64/22 64/24 67/12	91/21 92/20 92/23 99/17	72/14 72/15 74/20 75/12
68/7 68/8 69/2 69/10 69/16	142/11 166/1 184/10	76/22 76/23 81/20 89/25
72/4 73/20 74/8 74/9 75/9	jobs [4] 53/18 85/19 92/17	112/15 112/16 112/19 112/20
		112/25 113/2 115/3 118/15

J Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 248 of 269			Kim [1] 57/6 kind [26] 8/11 24/3 36/6 36/7			c/o/22 212/9 216/1 2016/4 knowledgeable [1] 104/24		
jury... [25] 119/14 120/15 121/19 125/2 130/16 130/24 133/22 133/23 138/15 147/7 147/14 147/20 147/25 148/1 148/14 158/7 159/14 159/22 162/14 164/10 169/16 186/17 223/2 226/22 226/23			38/23 53/7 97/12 97/12 111/7 113/13 114/13 127/14 128/4 140/3 158/20 161/1 173/14 176/8 182/1 185/16 188/23 192/24 198/14 205/5 207/19 211/19			known [7] 63/4 63/19 63/22 64/4 64/4 68/4 183/5 knows [3] 11/20 32/20 75/5 Kristen [1] 12/6		
jury's [1] 127/16			kinds [2] 212/13 212/17			L		
just [144] 6/1 8/12 9/3 10/17 11/19 11/20 14/13 18/5 19/18 21/17 21/20 23/11 23/12 23/15 23/18 25/5 25/17 29/14 30/23 32/16 33/23 34/5 34/14 36/15 38/6 38/22 39/20 41/21 42/15 47/12 50/10 53/13 54/23 58/22 60/1 60/21 62/7 62/19 65/6 65/17 65/18 67/3 68/17 69/10 70/15 71/12 71/21 72/5 72/10 75/9 75/13 75/21 76/7 78/2 78/15 78/23 80/4 80/16 82/7 82/13 82/25 86/13 86/19 90/19 93/9 94/22 95/5 97/6 98/22 99/17 101/20 101/20 102/13 103/3 104/7 105/23 108/2 108/12 109/14 112/4 112/12 116/10 116/24 117/20 117/21 118/19 119/6 120/23 123/8 126/8 126/8 126/24 126/24 127/25 128/24 129/4 132/3 132/22 133/19 136/1 138/17 140/12 144/19 146/6 147/5 147/15 150/19 151/16 152/18 154/19 157/2 159/3 160/12 161/1 161/10 161/10 163/22 164/16 165/13 167/13 167/18 171/25 172/19 173/18 178/8 178/17 178/23 181/25 182/22 193/2 203/4 203/6 204/23 206/20 207/2 209/20 210/9 212/3 213/11 214/2 220/8 221/11 222/12 223/15			King [33] 18/6 40/8 40/23 41/2 41/13 41/14 42/4 43/21 58/8 76/4 76/6 76/11 76/24 79/13 88/24 121/24 123/11 125/11 125/21 126/12 129/7 129/8 129/14 129/25 129/25 130/1 130/3 131/12 131/13 142/15 142/21 164/17 165/1 King's [18] 18/8 80/16 83/13 87/20 88/6 88/23 119/9 119/25 122/8 126/13 126/14 129/11 129/13 130/3 143/2 143/9 144/4 147/4 Kingwood [1] 46/22 kit [3] 201/18 202/2 203/22 kiwi [4] 8/9 8/14 67/19 69/5 knew [20] 15/16 15/18 15/19 16/6 27/11 27/19 27/19 27/20 29/6 29/18 29/24 30/1 67/8 128/2 128/2 196/13 220/17 224/2 224/8 224/10 know [169] 7/7 8/18 8/18 9/3 10/12 10/20 10/20 12/1 12/3 12/22 17/11 17/20 17/22 18/2 18/4 18/6 18/8 18/12 18/14 20/9 20/22 24/6 25/6 25/17 25/22 26/11 27/19 29/14 30/23 32/4 34/10 34/11 35/2 35/16 36/2 37/5 37/6 37/19 46/5 46/20 47/18 47/23 48/23 49/19 51/10 51/23 56/6 58/17 59/14 59/22 66/13 66/14 66/16 66/18 66/25 68/25 70/18 73/23 74/15 75/19 85/19 86/22 89/3 89/5 89/25 89/25 90/1 90/20 90/22 97/23 98/25 100/18 102/8 107/23 109/13 110/7 110/13 110/20 111/3 111/7 111/8 111/21 111/23 113/15 113/24 114/3 116/12 126/3 126/13 127/22 129/1 129/18 134/13 135/12 144/11 145/16 145/18 147/9 147/15 147/19 148/5 157/19 158/6 158/17 160/7 160/8 166/15 166/21 166/22 167/9 167/11 167/12 167/17 171/6 171/22 180/18 181/24 187/16 188/6 188/13 188/25 189/4 189/5 189/20 191/20 194/2 194/24 195/13 197/2 197/8 197/22 198/2 198/11 199/4 199/11 200/3 201/16 202/25 204/16 205/24 206/9 206/14 206/23 207/3 208/3 209/12 209/20 215/12 215/24 215/25 216/3 216/12 218/24 219/4 219/5 220/16 221/4 222/9 222/17 222/19 222/25 224/3 224/9 224/24 224/25 225/11 225/20 225/22 226/5 knowing [2] 39/1 66/21 knowledge [7] 39/1 40/4 55/4			La [1] 42/11 labor [10] 53/14 80/20 80/20 80/23 86/25 87/1 90/3 91/2 100/17 100/18 lack [1] 190/18 ladies [3] 148/2 169/15 226/11 lady [1] 63/17 laid [1] 94/8 Lamictal [3] 214/24 215/16 215/17 Lannie [1] 1/14 large [5] 32/1 33/25 85/20 108/7 121/13 larger [5] 73/12 113/16 138/23 138/24 152/6 last [18] 23/21 24/1 30/6 30/7 44/11 59/19 60/16 74/16 78/8 84/14 84/16 84/21 94/17 142/22 173/24 176/21 192/1 193/25 late [5] 9/2 16/20 125/7 125/7 127/23 later [7] 20/3 65/8 133/3 152/6 160/14 220/24 220/25 latitude [1] 118/20 laughing [1] 71/10 law [11] 1/15 1/18 1/21 33/12 38/4 49/11 49/25 57/5 91/11 104/24 186/23 lawyer [3] 16/10 70/11 75/19 lawyer's [2] 69/22 69/22 lawyers [3] 43/2 50/11 51/20 laying [1] 220/5 layperson's [1] 154/23 lead [1] 94/25 leading [2] 118/14 202/14 league [1] 75/9 leaps [1] 71/21 learn [4] 93/22 97/21 189/1 189/2 learned [5] 67/7 67/9 97/19 200/9 223/24 learning [9] 113/9 175/1 196/14 202/15 202/15 202/24 204/2 219/5 219/16 learns [1] 33/16 least [8] 61/22 71/6 93/19 132/1 163/23 178/20 180/24 213/22 leave [6] 16/3 35/13 35/24 158/1 161/24 226/12 leaves [2] 35/12 71/1 leaving [1] 38/16 led [9] 174/24 196/13 196/18 196/19 196/20 197/1 198/8 199/13 200/9 left [6] 21/5 21/7 30/15 35/20 58/10 159/16 LEIGH [19] 1/3 5/8 6/1 6/4 6/8 6/10 6/13 6/16 6/19 42/24 43/12 93/17 170/7 174/5 179/13 181/16 190/16 190/21 196/1		
justice [4] 166/11 167/3 167/15 226/16								
justify [2] 129/1 143/16								
K								
Kallan [3] 38/11 38/14 39/23								
KBR [25] 1/6 1/7 2/2 5/5 5/8 12/23 13/1 15/8 16/14 16/24 47/1 48/10 58/9 72/22 88/12 114/1 134/16 134/17 134/23 135/4 135/5 135/8 135/11 135/17 220/3								
keep [4] 22/1 37/18 41/10 71/5								
KEITH [2] 1/10 9/11								
KELLOGG [2] 1/6 1/7								
Kelly [11] 1/14 1/15 6/25 9/24 14/7 20/5 49/24 63/23 66/8 69/24 196/9								
Kelly's [1] 71/7								
kept [1] 37/17								
keys [1] 191/17								
kick [4] 24/17 24/20 39/7 39/8								
kicked [2] 204/17 205/6								
kicking [2] 22/25 23/6								
kids [1] 57/6								
killed [3] 15/11 17/3 68/10								

L Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 249 of 269		
<p> lends [1] 69/24 length [3] 180/4 180/12 180/16 lengthy [3] 10/2 10/3 211/21 less [15] 84/18 101/2 101/4 101/5 101/9 101/9 105/22 118/14 123/23 157/9 160/14 160/15 182/23 219/17 222/22 let [38] 8/21 9/5 9/24 11/20 19/6 68/6 73/18 75/12 76/1 76/3 76/7 81/6 82/3 87/15 87/16 95/13 98/3 100/6 102/22 118/11 121/20 125/8 130/16 134/21 143/17 148/5 155/8 157/16 158/21 166/7 166/24 182/22 193/12 197/15 212/12 213/14 221/10 226/12 let's [39] 9/24 14/14 14/15 17/15 26/8 28/11 29/8 35/7 49/14 60/8 72/3 76/4 77/25 78/5 90/1 97/16 100/17 101/23 104/7 106/3 116/15 123/15 123/16 123/16 138/19 139/17 140/7 142/2 145/9 154/12 155/23 158/24 204/4 214/11 215/5 215/5 216/6 217/18 217/20 level [21] 19/11 50/19 53/3 53/4 54/6 54/18 54/21 55/21 56/4 73/11 81/4 85/5 85/8 90/19 93/8 103/13 119/21 127/9 144/2 163/18 193/22 levels [2] 97/25 127/2 liability [12] 103/10 103/12 103/24 104/16 106/2 106/7 106/22 107/1 107/3 107/6 108/10 109/17 liberal [1] 98/13 licensed [1] 169/17 life [33] 6/16 6/19 33/15 42/13 55/17 57/20 79/25 82/21 82/24 117/3 119/22 121/8 129/1 134/12 140/23 141/15 144/6 144/21 173/10 180/18 181/8 182/3 182/4 188/8 188/23 190/3 190/3 194/17 194/19 209/18 224/18 224/19 226/6 lifeboat [1] 33/16 lifeboats [1] 34/12 lifestyle [1] 57/3 lifetime [1] 112/10 light [4] 8/15 25/11 61/17 147/20 like [73] 10/24 18/5 19/8 19/17 21/13 23/11 23/13 23/16 24/11 26/24 27/3 27/7 31/1 32/13 33/16 36/5 36/7 36/21 37/12 44/2 44/2 50/7 50/24 54/6 56/2 57/5 59/25 60/24 63/7 67/23 74/17 75/7 79/8 85/18 85/20 85/21 91/18 93/15 94/2 94/21 97/24 102/16 110/7 116/4 125/7 127/16 131/13 140/25 143/13 144/24 149/25 157/17 161/2 165/22 166/16 173/5 173/18 176/5 186/23 191/16 191/17 192/1 192/24 195/23 196/8 199/14 204/16 205/5 205/7 </p>	<p> likelihood [1] 114/14 likely [3] 96/14 180/2 210/11 likes [1] 111/9 limb [1] 210/17 limine [3] 73/14 111/2 111/3 limit [5] 9/25 47/24 48/1 59/1 59/9 limitation [2] 45/17 194/8 limitations [10] 41/23 42/1 44/2 45/10 47/6 47/9 49/2 51/23 59/5 125/22 limited [7] 4/15 8/23 14/10 48/6 190/24 190/24 191/4 limiting [1] 58/25 line [24] 26/17 26/24 27/18 30/6 83/14 99/12 101/23 102/17 102/18 102/20 108/1 108/9 118/23 128/4 128/19 128/20 142/22 153/1 153/1 158/24 159/4 159/8 167/20 213/15 Line 46 [1] 158/24 lines [4] 27/7 33/18 173/10 204/17 list [2] 128/2 207/8 listed [2] 157/18 181/17 literally [1] 33/7 literature [1] 211/9 litigation [3] 46/1 225/7 225/12 little [38] 12/11 12/14 12/16 12/18 13/1 13/3 13/5 21/24 23/17 32/6 37/16 41/1 41/6 49/14 53/13 60/15 77/13 78/1 81/8 81/24 81/25 84/11 84/12 84/24 112/22 169/8 169/19 171/3 171/20 171/23 184/17 191/25 193/1 198/14 217/7 217/7 217/10 223/14 live [2] 32/7 226/15 lives [2] 143/12 181/13 living [20] 59/17 104/22 115/5 115/5 122/2 122/5 122/8 122/11 122/14 122/16 123/5 123/6 123/7 123/9 123/11 125/17 132/1 132/7 180/11 216/17 LLP [1] 2/10 located [2] 170/14 170/18 locked [2] 10/24 11/14 Loewe [3] 4/17 40/13 168/25 logic [1] 71/21 logical [1] 129/24 logically [1] 210/9 Lone [1] 114/6 long [28] 44/25 46/11 53/5 58/3 63/4 63/23 64/5 68/4 110/18 126/21 143/12 144/11 163/20 169/23 174/5 184/9 184/12 184/13 191/16 194/25 197/17 207/23 208/7 208/21 208/25 211/4 211/12 222/9 long-standing [1] 207/23 long-term [3] 163/20 191/16 208/7 longer [10] 84/12 112/22 147/20 173/23 209/3 209/5 210/11 210/22 210/24 211/5 look [48] 22/14 25/1 26/8 27/18 29/8 30/6 51/23 75/23 78/15 79/8 79/9 79/11 87/15 </p>	<p> 68/23 82/3 98/15 97/24 101/23 103/6 103/8 106/6 116/6 117/1 117/6 121/6 135/4 139/14 139/17 139/18 141/4 153/7 155/17 158/13 162/25 163/9 165/9 165/10 166/5 166/16 167/5 167/7 167/7 167/10 167/10 181/3 182/14 213/23 219/16 looked [10] 44/17 56/22 94/2 95/2 107/11 113/23 113/23 114/15 131/14 142/14 looking [29] 60/25 61/21 78/17 79/24 80/3 80/10 82/1 82/6 91/21 97/22 165/6 166/1 166/3 168/1 172/5 173/7 173/14 181/4 182/2 183/8 185/13 187/24 197/10 202/25 203/5 210/14 213/23 219/20 223/11 looks [6] 53/17 135/15 149/17 149/25 161/1 195/23 lose [1] 213/10 losing [3] 23/5 24/21 218/8 loss [27] 52/6 54/19 55/23 72/8 73/1 88/25 89/1 89/3 89/5 101/14 101/18 119/21 122/18 137/13 137/17 139/6 141/21 150/2 150/17 150/25 151/9 152/16 152/20 155/9 155/13 158/8 192/7 losses [2] 105/3 139/10 lost [3] 70/18 168/10 197/13 lot [28] 21/16 22/12 23/9 23/11 24/4 25/2 25/15 32/1 32/12 37/9 45/5 57/6 59/2 59/4 85/19 98/24 109/6 127/20 152/14 157/9 166/18 167/21 175/24 176/9 185/16 209/19 211/11 224/15 lots [2] 206/9 206/14 loud [2] 27/3 27/4 low [4] 162/17 162/17 163/2 163/4 lump [3] 204/15 205/3 205/17 lunch [4] 133/16 133/16 147/20 148/13 lurid [1] 19/8 lying [4] 14/2 19/15 198/21 199/2 </p>
M		
<p> ma'am [12] 6/9 6/12 9/5 9/5 198/6 198/10 201/14 202/12 206/4 211/22 212/6 216/20 made [36] 14/12 16/16 16/24 17/3 19/19 19/24 23/21 25/8 27/15 27/17 28/4 28/15 28/25 29/4 29/11 44/20 47/15 52/12 52/15 60/17 61/2 62/21 64/16 69/18 74/5 75/19 125/13 126/5 131/9 131/11 137/17 142/19 143/16 165/18 179/12 226/5 mail [3] 60/25 61/21 113/9 Main [1] 2/6 major [8] 53/23 75/9 89/16 90/12 91/4 95/25 96/8 99/5 majorred [5] 96/4 96/11 98/1 167/7 167/8 majority [1] 89/23 majors [4] 98/21 98/25 99/2 </p>		

M Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 250 of 269		
<p> majors... [1] 99/3 make [56] 6/8 15/2 15/5 15/24 20/2 21/16 21/19 23/9 29/12 40/12 45/13 51/22 57/7 59/17 68/24 70/3 76/14 90/23 91/9 93/13 93/15 96/19 100/22 103/22 107/5 107/7 110/18 110/25 115/25 119/4 123/13 125/14 125/22 125/24 127/7 128/11 129/9 129/16 129/21 129/22 133/19 140/4 141/23 141/25 142/23 143/12 144/7 144/19 163/10 165/21 169/6 170/3 179/8 191/7 191/16 193/5 makes [11] 8/16 63/11 75/20 92/23 107/8 107/13 108/18 132/6 137/24 137/25 144/23 making [16] 18/20 20/15 44/3 45/12 46/19 56/5 58/8 96/25 113/13 119/5 125/14 126/3 129/16 142/24 150/10 180/13 male [2] 36/13 36/14 males [7] 189/25 190/1 194/10 206/8 206/22 207/5 222/17 man [12] 111/1 113/4 126/23 198/18 199/21 200/11 202/17 202/22 203/16 220/5 221/21 222/5 management [3] 12/24 13/1 92/17 manager [2] 42/18 217/3 managerial [2] 91/18 100/9 managers [2] 163/6 164/1 Manguno [7] 209/8 209/10 209/11 225/18 225/20 225/22 226/3 Manguno-Mire [1] 209/10 manner [1] 210/17 Manual [1] 179/7 manuals [1] 166/4 many [26] 7/7 32/12 43/9 51/1 51/2 51/2 51/2 51/4 51/4 53/21 53/21 54/4 54/4 54/12 54/12 71/21 108/5 111/3 125/12 145/19 147/10 171/1 175/7 180/17 185/19 185/19 March [2] 83/10 174/10 Marie [1] 1/21 mark [2] 30/14 30/18 markedly [3] 163/6 173/3 177/18 marker [1] 171/15 market [3] 80/20 163/12 163/13 markets [1] 100/18 marks [1] 28/23 Marque [1] 42/11 marriage [1] 31/21 married [3] 31/9 31/11 109/3 Mart [2] 32/23 32/25 masses [1] 113/15 Master's [47] 42/8 45/4 73/6 73/20 84/14 84/17 85/6 85/10 85/10 85/21 89/14 89/18 89/20 89/22 89/23 89/24 90/2 90/9 90/13 90/20 90/23 91/8 91/10 91/15 91/16 95/1 95/11 95/15 97/7 97/12 97/17 98/11 98/13 111/5 111/7 111/12 </p>	<p> 114/20 159/19 165/8 165/11 165/13 165/15 166/10 166/13 167/1 167/3 169/21 Master's and [1] 85/21 match [1] 46/18 matches [2] 93/7 108/20 matching [2] 136/11 136/17 math [9] 106/21 123/15 132/10 153/1 154/12 156/23 157/2 164/15 224/25 mathematical [5] 118/3 130/6 135/21 135/22 138/2 mathematically [1] 122/23 mathematics [2] 119/1 123/4 matter [17] 4/20 40/16 64/23 68/4 68/9 69/3 69/6 70/10 70/22 76/16 85/14 85/15 85/16 91/7 111/13 111/24 169/3 matters [2] 50/10 68/9 maturity [1] 155/20 maxed [1] 125/21 maximum [1] 110/18 may [54] 4/23 8/18 14/5 14/21 17/18 18/24 20/4 26/21 26/22 33/5 40/2 40/7 40/21 41/1 63/18 66/1 71/7 71/7 76/21 77/1 77/1 77/3 81/11 81/24 82/3 87/25 88/1 90/1 106/10 106/11 112/22 113/3 119/12 133/17 143/19 143/21 144/10 145/6 147/18 148/7 148/19 148/21 162/23 166/2 168/11 169/10 171/12 171/13 174/7 184/8 194/19 203/14 221/23 224/19 maybe [15] 8/3 23/17 34/6 44/22 48/4 60/25 87/18 87/19 92/11 129/7 162/11 182/20 187/4 194/16 198/1 MBA [4] 85/21 85/22 189/17 193/24 MBA's [1] 193/24 McKinney [15] 2/9 2/10 49/10 65/24 75/19 87/12 114/22 118/20 119/15 130/13 130/19 132/3 132/16 132/19 148/7 McKinney's [1] 133/8 McMichael [1] 8/9 MD [1] 202/2 me [141] 9/5 9/6 9/12 19/4 21/16 22/2 23/17 25/20 27/3 27/7 27/21 27/22 29/7 29/7 29/9 29/13 29/15 29/24 30/1 31/5 34/4 34/5 34/16 34/23 35/4 35/6 35/23 37/16 38/2 39/22 47/1 48/21 52/24 60/15 62/11 62/12 62/25 63/1 63/13 63/19 64/6 68/1 68/21 69/12 69/12 69/13 70/5 71/22 72/5 73/18 74/20 81/6 81/7 81/9 82/3 87/15 87/16 91/23 92/19 92/19 95/13 98/3 98/8 98/19 99/8 99/19 100/6 102/22 107/9 107/9 108/2 110/23 113/12 113/18 115/12 115/16 116/2 121/20 122/11 125/8 127/18 127/19 128/13 134/21 136/2 143/17 143/24 144/17 155/8 156/22 157/16 158/22 159/7 166/7 166/24 168/24 169/19 171/5 171/22 174/14 </p>	<p> 174/23 175/24 176/6 177/6 178/17 181/21 182/22 183/23 184/10 185/9 187/23 187/24 188/7 189/6 190/12 190/18 193/12 193/14 197/1 197/3 197/15 198/13 200/18 201/13 202/11 203/5 204/12 209/9 210/9 212/12 213/14 217/10 218/17 219/15 220/8 220/11 221/10 221/18 223/8 224/23 225/9 mean [75] 11/20 13/14 21/17 22/20 23/10 24/4 24/14 25/14 25/17 25/19 26/5 29/25 32/14 41/16 43/2 50/6 51/21 53/12 56/2 56/2 66/17 71/10 71/11 75/4 75/9 82/18 102/16 105/1 109/21 111/14 113/10 113/22 114/14 114/17 126/8 126/12 131/8 131/24 132/5 135/3 138/2 144/6 144/8 144/14 144/22 158/11 158/14 161/4 162/25 163/3 163/24 165/23 165/25 166/15 167/10 167/18 167/19 170/2 176/1 177/13 184/19 191/8 191/23 193/22 194/20 198/20 199/11 203/4 203/19 203/22 206/15 207/2 209/24 214/1 224/20 meaning [4] 173/9 173/16 176/4 185/12 means [5] 5/19 161/12 170/3 173/6 190/23 measure [1] 75/14 mechanical [1] 1/24 mechanism [1] 188/2 media [1] 65/11 median [2] 56/8 209/13 medical [5] 51/13 51/18 88/13 205/25 224/22 medication [1] 27/11 meet [11] 30/4 42/25 43/23 61/10 86/16 157/20 172/2 221/7 221/9 224/14 224/15 meeting [2] 44/14 48/16 members [4] 76/23 133/23 148/1 222/19 memories [8] 11/12 11/17 13/21 65/9 219/2 219/11 219/13 219/14 memory [20] 13/25 14/1 14/11 19/7 19/23 20/6 24/1 35/19 65/8 69/16 69/16 71/19 191/12 191/13 191/15 191/16 192/7 192/9 192/11 223/13 men [9] 200/7 200/7 200/8 200/13 206/9 207/2 210/16 220/4 226/16 mental [2] 179/7 193/15 mentally [1] 41/25 mention [2] 9/21 205/4 mentioned [15] 59/22 160/2 172/19 180/10 193/21 196/11 202/2 204/4 204/6 204/24 206/5 212/12 219/6 223/18 224/10 mergers [1] 100/8 merit [1] 131/25 merit-based [1] 131/25 messed [1] 175/15 met [15] 15/16 49/12 50/16 63/5 87/13 172/9 172/10 </p>

M Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 251 of 269		
met... [8] 175/19 175/19 184/17 184/19 186/12 199/12 225/9 225/11	month [2] 189/21 265/20 months [11] 25/22 37/22 180/17 185/1 185/19 209/14 209/15 210/3 214/2 214/5 226/3	Ms. Kelly [7] 6/35 80/24 14/7 20/5 63/23 66/8 196/9
method [2] 133/12 187/21	mood [2] 173/7 207/14	Mr. Kelly's [1] 71/7
methodologies [2] 78/21 132/21	more [60] 13/21 14/15 21/20 35/7 51/17 53/22 56/20 56/22 58/22 68/16 70/5 71/24 72/2 73/24 73/24 75/20 84/18 84/20 91/9 91/15 91/18 91/18 92/13 119/4 126/13 129/16 143/12 144/7 144/13 144/25 145/6 145/10 160/14 166/18 167/17 167/20 167/22 167/24 177/15 183/7 185/23 192/14 193/24 194/2 194/4 199/25 200/3 200/4 200/20 200/24 206/11 208/24 208/24 210/10 210/10 215/12 217/14 217/16 219/14 219/19	Mr. King [28] 41/2 41/14 42/4 43/21 58/8 76/4 76/6 76/11 76/24 79/13 88/24 121/24 123/11 125/11 125/21 126/12 129/7 129/8 129/14 129/25 129/25 130/3 131/12 131/13 142/15 142/21 164/17 165/1
methodology [17] 92/22 106/25 107/2 112/3 113/5 121/4 121/15 124/25 125/11 125/23 129/3 130/1 130/15 130/23 131/1 131/5 138/15	methods [6] 45/19 45/20 45/24 45/25 78/20 130/21	Mr. King's [17] 80/16 83/13 87/20 88/6 88/23 119/9 119/25 122/8 126/13 126/14 129/11 129/13 130/3 143/2 143/9 144/4 147/4
mic [3] 40/20 82/4 169/8	mic [3] 40/20 82/4 169/8	Mr. McKinney [11] 65/24 75/19 114/22 118/20 119/15 130/13 130/19 132/3 132/16 132/19 148/7
Micro [1] 100/17	microphone [3] 21/7 41/1 77/13	Mr. McKinney's [1] 133/8 Mr. Steward [1] 76/8
middle [4] 26/17 81/17 213/13 213/14	midway [1] 38/1	Mrs. [2] 40/13 168/25
might [25] 4/4 9/17 34/5 38/23 51/24 60/2 60/4 71/18 71/19 77/13 92/3 109/8 114/18 131/25 142/11 146/20 173/18 173/18 173/19 191/25 192/7 210/21 211/12 211/13 212/21	Mike [3] 9/10 21/6 21/25	Mrs. Loewe [2] 40/13 168/25
military [13] 12/14 12/20 12/21 77/19 111/22 166/12 166/14 167/4 167/15 202/4 202/20 203/18 225/24	million [4] 24/17 24/20 126/4 150/18	Ms [19] 13/25 65/20 65/22 69/14 70/9 117/2 168/20 169/20 174/4 179/5 180/2 187/6 193/1 196/7 202/4 217/22 220/3 223/11 226/9
million-dollar [1] 150/18	mind [10] 11/2 11/5 27/2 29/4 29/6 69/1 103/15 147/23 176/4 191/7	Ms. [171] 4/12 4/13 4/17 5/4 5/11 5/23 6/1 6/16 6/22 7/3 7/6 7/6 8/21 9/17 13/25 14/11 14/12 17/25 19/7 19/19 19/24 19/25 20/1 20/1 23/3 23/4 29/16 31/14 42/25 44/14 49/15 49/22 49/24 50/4 50/16 50/18 52/4 52/5 52/13 54/6 54/15 54/21 55/16 55/20 56/12 56/19 56/20 57/5 57/20 57/23 58/8 59/1 59/20 60/22 62/9 62/10 62/13 63/4 63/10 63/16 63/17 64/7 64/12 64/18 64/19 65/7 65/18 65/19 66/9 66/17 66/21 66/22 68/12 69/8 70/9 71/10 72/21 73/7 73/20 74/2 74/17 75/16 78/16 82/6 83/16 84/15 85/5 88/11 88/20 89/1 89/7 89/17 93/7 94/10 94/13 95/8 95/10 96/15 96/15 96/16 96/17 96/25 97/2 97/9 102/1 102/23 103/11 103/22 104/4 104/11 105/7 106/2 116/17 117/9 117/14 118/24 119/3 119/22 120/8 121/5 121/22 125/13 126/4 128/25 129/15 134/13 134/22 136/4 136/21 137/10 137/17 140/9 141/10 141/20 142/10 142/22 142/23 144/1 144/20 145/14 145/22 147/17 150/1 150/9 150/16 150/25 163/11 164/22 174/15 196/11 197/15 198/5 201/11 201/19 202/8 204/10 204/13 204/22 206/3 206/6 208/14 209/7 212/3 212/5 212/21 217/15 218/5 219/11 220/4 220/12 220/21
mine [1] 120/18	minge [2] 32/10 32/12	Ms. Armstrong [7] 5/4 6/1 6/16 6/22 7/6 8/21 17/25
minor [1] 77/18	minus [7] 55/24 124/18 131/3 136/5 136/5 136/7 136/14	Ms. Chapman [11] 19/24 20/1 62/13 63/16 63/17 64/18 64/19 66/9 66/17 66/21 69/8
minute [6] 43/15 44/14 88/19 105/5 138/17 139/22	minutes [9] 58/4 72/13 116/13 118/19 133/20 147/11 147/13 217/13 217/13	Ms. Cullen [2] 212/3 217/15
Mire [6] 209/8 209/10 209/11 225/18 225/20 226/3	Mire's [1] 225/22	
misleading [1] 178/24	miss [1] 22/5	
missing [1] 157/11	Mississippi [2] 42/7 42/9	
mistake [1] 19/10	mistakes [1] 67/17	
mistreated [1] 9/18	misunderstood [1] 25/7	
MIT [1] 114/18	mobility [1] 206/12	
modalities [1] 217/8	modified [1] 66/13	
mom [1] 30/3	moment [1] 70/23	
momentary [1] 112/22	money [10] 90/24 91/9 104/15 109/6 109/8 119/4 155/3 159/15 164/1 193/24	
Montgomery [1] 114/10		

M Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 252 of 269		next [33] 19/31 27/3 28/14 29/8 29/21 33/16 36/17 52/3 72/12 76/8 76/9 84/7 91/23 121/3 125/24 136/23 143/19 148/4 165/14 168/1 168/10 198/15 198/18 198/20 198/21 214/14 216/10 216/10 216/25 219/4 220/5 222/4 223/8 Nice [1] 99/16 night [11] 9/2 23/11 23/22 24/1 25/24 29/17 32/7 38/3 38/4 39/12 222/2 nightmares [3] 172/13 172/20 176/13 no [157] 5/6 5/25 6/9 6/12 6/15 6/18 6/21 6/24 7/21 8/6 8/12 9/5 9/20 9/23 10/14 10/24 11/4 11/14 12/8 12/15 13/2 15/14 16/9 17/1 17/14 18/12 19/13 20/12 22/17 28/11 30/8 30/12 30/18 31/18 31/18 32/5 36/3 36/6 36/7 37/25 39/6 39/8 46/24 47/5 48/9 49/13 50/15 50/21 55/14 56/14 57/11 57/22 59/10 60/6 62/25 63/15 63/17 65/4 66/25 67/24 68/22 69/1 69/8 72/12 72/19 73/7 73/15 74/22 75/7 80/13 85/12 89/20 90/18 91/3 93/9 102/17 103/15 103/17 104/23 115/8 115/10 117/11 120/17 121/2 121/7 121/7 122/13 122/17 123/2 123/6 126/6 129/4 129/11 129/20 129/22 130/11 132/13 132/22 133/1 133/3 134/24 135/3 136/2 136/8 136/9 141/19 141/24 142/1 143/1 143/4 143/4 144/8 146/6 146/12 146/25 150/3 151/1 152/25 153/6 154/4 154/6 154/9 158/5 158/9 158/20 163/3 165/22 175/10 177/7 191/18 191/19 193/20 194/22 197/9 197/11 197/13 198/17 203/10 205/2 206/4 207/24 209/6 211/1 211/5 211/23 212/7 213/13 215/1 216/12 216/24 219/13 219/13 221/6 221/18 221/20 223/21 226/5 Nobody [1] 70/10 nod [1] 225/5 Nodding [2] 202/21 208/19 nominal [1] 161/24 non [9] 12/20 64/25 93/11 103/12 116/22 123/8 135/14 150/21 151/2 non-hearsay [1] 64/25 non-incident [6] 93/11 103/12 123/8 135/14 150/21 151/2 non-military [1] 12/20 none [4] 24/10 24/11 67/20 163/8 noon [2] 35/14 35/21 nor [1] 55/12 normal [1] 179/8 normally [2] 13/3 225/18 North [4] 114/10 170/15 170/17 170/20 nose [1] 120/18 not [350] note [1] 145/13
<p>Ms. Daigle [1] 23/4 Ms. Jamie [2] 4/12 4/13 Ms. Jones [117] 5/11 5/23 7/3 7/6 9/17 14/12 19/19 19/25 20/1 23/3 29/16 31/14 42/25 44/14 49/15 49/22 49/24 50/4 50/16 50/18 52/13 54/6 54/21 55/16 55/20 56/12 57/5 57/20 57/23 58/8 59/1 59/20 60/22 62/9 62/10 63/4 65/7 65/19 66/22 68/12 70/9 71/10 72/21 73/7 73/20 74/2 74/17 75/16 78/16 82/6 83/16 84/15 85/5 88/20 89/7 89/17 94/13 95/8 95/10 96/15 96/15 96/16 96/17 96/25 97/2 97/9 102/1 102/23 103/11 103/22 117/9 117/14 118/24 119/3 120/8 125/13 126/4 129/15 134/13 136/4 136/21 137/10 137/17 141/10 142/10 142/22 142/23 144/1 144/20 145/14 145/22 150/1 150/16 150/25 163/11 164/22 174/15 196/11 197/15 198/5 201/11 201/19 202/8 204/10 204/13 204/22 206/3 206/6 208/14 209/7 212/5 212/21 218/5 219/11 220/4 220/12 220/21 Ms. Jones' [27] 13/25 14/11 19/7 52/4 52/5 54/15 56/19 56/20 64/12 65/18 88/11 89/1 93/7 94/10 104/4 104/11 105/7 106/2 116/17 119/22 121/5 121/22 128/25 134/22 140/9 141/20 150/9 Ms. Loewe [1] 4/17 Ms. Nelson [1] 147/17 Ms. Vorpahl [2] 63/10 64/7 much [48] 9/15 14/16 18/19 18/20 29/24 32/11 39/20 40/3 43/7 50/10 65/2 68/16 86/15 91/22 100/10 102/12 107/9 107/10 108/11 109/15 109/17 109/23 125/22 125/24 126/5 133/17 140/18 144/5 147/16 147/16 147/18 148/12 152/6 154/25 155/3 155/22 168/12 169/9 184/17 197/17 217/12 217/14 217/25 218/25 220/24 220/25 226/10 226/20 muffled [1] 198/3 Mullen [1] 2/10 multiple [1] 36/22 multiplied [2] 153/24 157/2 multiplier [1] 136/1 multiply [9] 138/21 149/12 151/8 151/21 154/2 154/11 154/12 154/13 157/5 multiplying [2] 151/22 151/23 murder [1] 68/14 murdering [1] 6/14 music [1] 96/21 must [2] 165/17 226/14 muster [1] 130/8 my [90] 5/4 9/11 19/2 19/10 19/15 23/24 27/19 28/24 29/6 29/15 30/14 31/1 34/3 35/5 38/3 38/4 39/21 40/4 42/6 42/7 43/8 43/10 43/13 45/11</p>	<p>45/3 45/21 47/7 49/20 51/21 56/1 57/5 59/8 60/18 60/23 61/18 62/15 67/13 68/21 69/1 72/18 77/20 81/22 87/23 87/23 91/23 93/10 95/13 98/3 99/5 99/7 100/8 100/16 105/3 109/22 113/24 115/3 115/15 118/5 119/8 119/24 125/9 133/7 134/15 141/11 142/13 143/25 144/10 145/7 148/6 148/10 158/20 164/9 167/17 169/17 170/10 179/10 183/19 184/10 185/5 188/13 190/5 190/14 195/10 195/21 195/21 196/7 205/9 212/9 215/25 220/3 myself [6] 27/3 34/12 35/3 45/7 50/8 218/3 Métier [1] 187/22</p>	
N		
	<p>nail [1] 95/19 naked [3] 198/15 198/16 198/25 name [13] 5/4 9/11 18/12 20/11 41/12 63/7 63/18 77/9 169/17 196/7 196/19 202/19 220/3 named [2] 178/8 204/23 names [1] 99/19 naturally [2] 7/3 189/1 nature [7] 29/19 47/23 209/20 211/8 211/11 211/13 211/16 nearest [1] 168/24 necessarily [5] 21/18 34/23 75/23 100/4 211/1 necessary [1] 72/4 need [44] 4/16 7/20 9/3 27/22 28/24 29/7 30/1 34/10 38/2 41/1 42/1 48/20 50/9 50/24 60/12 64/21 69/10 70/2 70/3 70/16 77/13 81/21 81/22 81/24 82/3 87/15 93/9 105/1 106/4 109/25 157/9 157/20 158/12 158/17 159/4 159/7 162/1 164/4 167/17 169/7 178/21 206/19 211/5 226/24 needed [7] 27/19 29/6 29/24 156/16 175/3 175/9 175/11 needs [8] 7/11 21/14 76/2 112/14 112/15 119/11 175/5 186/12 negative [2] 26/6 121/12 negatively [1] 26/3 neighborhood [1] 210/3 Nelson [16] 147/17 168/15 168/20 169/12 169/17 169/20 174/4 179/5 180/2 187/6 193/1 196/7 217/22 220/3 223/11 226/9 net [6] 101/13 124/8 124/20 131/3 139/6 139/6 never [22] 5/5 8/19 15/21 15/21 19/6 19/15 27/5 29/8 61/11 65/18 103/15 112/9 113/9 114/8 122/24 124/15 129/16 143/11 144/7 144/21 147/23 181/6 new [5] 54/25 125/6 138/22 208/1 213/19 newest [1] 37/22 news [1] 63/20</p>	

noted [1] 182/24
 nothing [14] 4/21 9/20 24/14
 40/1 40/17 69/23 76/17
 158/14 163/24 169/4 192/1
 196/3 220/22 226/17
 notice [8] 8/4 60/19 183/8
 197/18 197/24 214/2 215/9
 223/11
 noticeable [1] 173/7
 noticed [1] 200/15
 noticing [2] 197/8 198/15
 notion [1] 60/6
 notwithstanding [1] 219/10
 November [1] 215/10
 now [114] 4/20 7/22 10/15
 22/2 22/14 26/8 27/14 31/3
 35/24 36/20 37/22 40/16
 41/21 51/1 52/2 52/12 56/24
 60/25 62/8 65/22 69/19 70/13
 71/7 71/13 72/14 72/23 75/20
 76/16 78/25 79/4 79/12 82/10
 83/4 83/12 83/19 83/24 84/1
 88/23 89/16 93/14 93/25 94/4
 94/4 97/8 97/22 98/10 100/12
 100/22 105/18 106/25 112/23
 112/24 116/4 116/14 117/1
 117/13 121/3 124/8 125/11
 125/22 128/10 128/12 128/20
 131/15 133/16 137/6 139/17
 141/16 141/22 142/9 142/13
 142/16 144/3 145/1 145/7
 145/22 146/10 146/10 146/14
 147/8 149/15 149/25 150/16
 151/12 151/21 153/8 155/3
 156/15 158/19 162/6 162/7
 165/13 166/18 169/3 173/5
 174/6 174/12 175/15 178/5
 182/3 185/15 185/18 185/20
 186/1 189/8 189/19 198/8
 206/23 206/24 208/2 213/9
 218/15 218/16 224/25
 numb [2] 197/19 197/25
 numbed [1] 197/9
 number [119] 54/7 55/15 55/18
 56/10 56/21 56/25 58/17
 83/14 86/5 86/10 90/3 90/4
 90/4 93/23 100/2 101/1 101/6
 101/8 101/12 101/13 101/13
 102/18 102/20 107/23 108/7
 108/9 108/9 109/11 109/12
 109/12 109/13 109/14 110/10
 110/12 112/9 116/21 119/21
 119/25 121/12 121/14 121/18
 123/17 123/20 124/8 124/11
 127/6 128/15 128/16 131/3
 131/3 132/11 132/12 132/14
 132/14 134/25 135/7 135/10
 135/12 135/17 135/18 136/1
 136/12 137/19 137/21 138/7
 138/7 138/18 138/21 138/22
 138/23 138/24 138/25 139/3
 141/21 149/21 149/23 149/25
 150/3 150/9 150/10 150/12
 150/12 150/14 150/17 150/21
 150/23 150/24 151/1 151/24
 152/3 152/4 152/4 152/6
 152/9 152/12 152/21 153/8
 153/11 153/15 153/15 153/16
 153/20 154/18 156/8 157/13
 159/14 159/25 160/22 160/23

162/20 168/9 168/10 176/12
 182/9 184/1 189/7 190/24
 191/2 212/11
 number 18 [1] 156/8
 numbers [41] 53/19 56/1 73/11
 80/2 83/21 85/9 86/2 86/6
 86/10 86/21 86/23 86/24 87/1
 87/2 87/4 98/18 99/16 101/17
 103/10 103/21 109/19 112/13
 126/10 126/11 127/8 129/1
 130/9 138/16 142/6 142/6
 142/9 144/13 145/6 151/17
 155/5 155/18 155/18 158/7
 158/10 158/10 161/15
 numbing [4] 172/23 176/25
 178/2 206/5
 numerous [2] 5/15 37/17

O

Oak [3] 170/15 170/17 170/20
 oath [6] 6/3 6/3 20/24 40/13
 76/15 168/25
 object [3] 11/8 14/20 17/12
 objected [1] 19/2
 objection [3] 10/17 72/18
 168/17
 objective [2] 205/12 205/22
 objectively [1] 205/13
 observation [3] 196/16 209/11
 209/25
 observations [1] 203/16
 observe [1] 205/20
 observed [3] 204/10 204/11
 205/13
 obtain [1] 215/13
 obtained [7] 42/6 45/3 45/3
 50/22 52/25 56/15 94/14
 obtaining [1] 94/13
 obvious [2] 96/2 124/14
 obviously [5] 28/20 92/9
 108/4 112/3 166/18
 occupation [5] 45/16 53/17
 89/21 91/13 92/15
 occupational [3] 174/1 190/23
 191/5
 occupations [2] 53/15 92/11
 occur [2] 86/14 220/23
 occurred [21] 18/1 43/25
 68/15 78/24 82/10 82/18
 83/23 93/12 93/14 94/2 94/18
 97/23 98/2 116/22 120/11
 128/10 135/16 141/12 182/23
 196/20 220/24
 October [3] 215/10 215/17
 215/18
 odd [1] 122/19
 off [39] 21/7 31/8 66/10
 67/15 83/12 85/7 90/8 102/1
 102/5 104/20 107/15 110/10
 114/16 118/8 119/6 119/8
 119/23 119/25 121/23 122/4
 131/19 133/21 135/17 135/19
 141/1 143/2 143/5 143/6
 147/3 155/20 160/4 161/4
 177/13 178/8 182/7 183/19
 191/23 195/17 210/17
 offense [1] 26/5
 offer [3] 100/15 164/9 168/6
 offered [6] 15/24 68/9 69/2
 69/15 69/17 197/7
 offering [1] 68/14
 office [19] 1/21 17/17 43/1

49/20 49/25 52/33 60/18
 69/22 170/10 170/11 170/18
 170/24 182/25 195/6 195/10
 195/18 195/19 195/22 196/2
 officer [2] 61/15 78/2
 officers [1] 186/23
 offices [1] 50/4
 OFFICIAL [2] 2/13 227/13
 offshore [1] 34/9
 often [6] 50/14 99/22 180/15
 180/20 189/3 207/13
 oh [9] 18/19 34/21 47/1
 61/18 135/2 160/23 177/7
 182/1 208/17
 oil [1] 34/9
 okay [130] 4/5 4/15 6/25 8/8
 9/24 13/3 13/6 14/14 17/23
 18/17 20/21 20/22 21/23 22/2
 26/10 27/1 27/5 29/8 31/7
 38/9 38/20 40/2 40/7 43/17
 44/13 48/21 58/2 58/5 71/2
 72/3 72/16 73/18 74/23 75/1
 75/24 76/4 76/12 77/13 78/20
 82/1 82/5 83/6 84/21 85/24
 93/9 104/3 105/25 107/17
 110/11 112/20 114/22 115/7
 115/9 115/16 119/15 120/6
 128/15 130/12 133/9 135/13
 140/1 141/8 141/16 143/25
 144/23 146/14 147/12 148/7
 152/21 154/12 155/9 160/22
 161/1 164/11 165/13 168/11
 168/14 170/11 174/20 175/7
 175/17 175/24 176/10 176/20
 177/12 177/17 178/4 178/9
 178/17 178/20 178/23 179/25
 181/23 182/1 183/12 183/18
 183/23 187/15 188/4 188/15
 188/20 190/22 192/12 193/8
 193/21 196/4 197/3 198/20
 199/17 200/1 200/5 201/11
 203/2 203/12 204/14 208/10
 214/10 218/14 218/22 221/10
 223/2 223/5 223/15 223/18
 223/24 224/7 225/22 225/24
 226/9 226/24
 old [4] 37/22 142/22 216/16
 224/24
 Olsen [1] 1/15
 on [222] 4/4 4/8 4/15 5/11
 8/23 12/11 12/19 12/19 13/1
 13/3 13/15 13/19 14/5 14/10
 17/7 17/9 19/10 20/6 21/6
 21/14 24/5 25/18 26/15 27/11
 27/23 30/14 31/9 32/12 33/6
 33/6 33/15 33/15 33/18 34/9
 35/3 35/12 35/16 36/10 36/13
 38/6 39/11 43/9 43/22 44/24
 45/1 45/10 45/14 47/5 47/20
 50/21 52/17 53/2 53/4 53/15
 57/6 57/14 59/5 61/25 63/11
 65/20 66/13 67/8 68/5 68/13
 68/20 70/2 70/9 70/12 70/12
 70/22 71/12 71/16 71/25 72/8
 72/11 72/18 73/1 74/15 76/4
 78/1 79/7 79/12 80/15 80/17
 81/4 85/17 86/22 87/21 89/1
 89/3 90/7 91/13 91/20 92/15
 94/11 95/7 97/18 98/21 98/25
 99/7 99/10 100/7 100/8 100/9
 101/17 102/18 102/20 102/22
 103/10 103/12 103/16 103/22

on... [110] 103/23 104/14
 105/2 105/12 105/18 106/8
 106/13 106/22 107/13 107/14
 107/17 107/19 107/20 108/4
 109/24 110/1 110/14 110/15
 110/17 110/21 111/2 112/3
 112/5 113/19 116/5 117/4
 117/24 118/19 118/20 120/13
 120/18 123/4 125/17 127/4
 127/4 127/4 127/19 128/2
 128/13 129/5 130/1 130/25
 132/17 136/3 138/20 140/22
 142/20 144/4 144/17 145/19
 146/6 150/17 152/16 153/7
 155/5 155/14 155/20 157/11
 157/18 157/24 158/6 158/24
 159/8 160/1 160/9 161/2
 161/13 161/14 162/14 162/20
 163/7 164/19 165/3 165/13
 166/1 167/25 171/25 181/17
 182/18 182/23 183/17 184/7
 186/1 188/16 188/22 188/23
 189/6 190/9 190/20 191/12
 191/13 191/21 192/22 196/9
 207/14 208/1 209/1 210/3
 213/15 214/2 216/13 217/18
 217/20 220/15 221/9 221/15
 222/5 223/25 227/2 227/3
 once [8] 14/9 24/14 36/23
 144/21 180/24 184/10 187/4
 213/22
 one [108] 1/16 1/19 4/3 10/24
 13/7 13/10 17/9 19/21 20/4
 21/20 21/21 22/6 23/12 23/14
 25/23 26/4 27/18 31/24 33/17
 34/11 35/7 36/19 37/15 38/4
 38/4 46/24 58/13 58/14 58/22
 58/24 59/19 60/13 60/17 61/1
 61/19 61/20 66/20 66/25
 67/21 71/6 73/3 73/4 73/6
 73/6 81/7 81/19 84/7 85/4
 85/7 85/10 92/3 94/20 94/20
 95/14 103/22 112/5 115/12
 115/13 118/4 119/17 120/19
 121/10 125/12 126/10 128/4
 128/15 128/24 129/20 129/22
 130/17 130/18 130/18 135/4
 139/14 141/23 144/24 152/16
 155/19 157/4 157/17 160/17
 160/17 164/21 165/14 167/13
 167/21 168/21 171/16 172/19
 174/6 175/13 176/10 176/20
 177/24 178/4 184/2 184/18
 189/6 189/24 200/8 204/5
 209/7 211/8 214/15 215/14
 218/1 219/3 219/3
 one percent [3] 155/19 160/17
 160/17
 one's [1] 75/22
 one-week [1] 31/24
 one-year [3] 58/13 58/14
 58/24
 ones [2] 178/8 204/12
 ongoing [2] 63/16 177/4
 online [13] 52/8 111/20
 113/10 114/16 114/19 166/12
 166/13 166/18 166/20 167/4
 167/15 189/20 189/21
 only [33] 9/9 16/13 36/19
 37/15 38/5 59/5 65/1 73/2

83/15 83/24 97/28 108/3
 105/1 107/24 108/6 112/9
 113/23 116/10 125/3 129/5
 129/9 131/2 132/12 135/4
 142/24 143/5 151/23 163/15
 164/9 183/5 186/22 214/5
 215/13
 onto [1] 162/22
 open [1] 20/19
 opened [1] 195/23
 opined [1] 54/17
 opinion [17] 45/14 74/11
 74/19 88/9 119/24 127/17
 129/17 129/23 132/23 164/21
 164/24 166/24 180/6 192/4
 199/13 203/8 214/4
 opinions [8] 42/21 78/10 79/7
 80/15 81/1 87/21 88/9 96/12
 opportunities [1] 47/25
 opportunity [4] 20/7 171/6
 180/16 203/7
 opposed [1] 97/3
 opposing [1] 133/13
 opposite [1] 69/21
 or [259]
 oranges [1] 55/24
 order [10] 23/10 42/2 55/10
 75/16 93/22 100/22 113/9
 142/9 206/19 212/15
 ordered [1] 8/23
 originally [1] 192/6
 other [61] 6/20 21/21 23/23
 31/2 42/2 44/17 51/6 52/6
 54/19 56/11 61/15 81/22
 89/24 92/11 105/2 117/21
 119/5 119/15 120/7 121/18
 125/17 127/24 128/16 142/11
 163/5 164/22 165/25 167/24
 172/10 173/4 173/5 173/14
 174/1 177/20 180/18 182/5
 184/13 186/12 188/10 188/16
 189/7 189/13 190/2 190/10
 191/1 193/9 193/10 199/7
 199/17 204/18 207/2 207/5
 207/13 211/23 212/1 218/17
 220/8 221/7 221/23 222/4
 222/12
 others [5] 22/14 25/13 97/20
 182/19 187/3
 otherwise [4] 37/2 92/18
 126/1 148/4
 ought [2] 9/25 71/20
 our [39] 8/1 24/8 25/16 25/23
 37/22 38/23 47/11 51/12
 53/25 56/12 59/22 60/8 61/24
 66/19 68/11 68/12 76/8 76/9
 81/20 89/25 93/23 148/13
 148/14 158/2 158/7 159/14
 159/22 161/1 162/13 168/10
 184/6 195/18 195/19 195/20
 195/21 195/22 195/22 226/13
 226/14
 ourselves [1] 9/25
 out [86] 12/11 21/20 25/7
 27/3 27/4 29/13 31/12 32/7
 33/3 33/3 33/15 35/18 37/1
 37/5 37/8 38/25 48/12 49/21
 53/9 56/18 58/22 59/3 59/6
 59/7 59/8 59/14 59/16 62/24
 66/5 69/15 69/20 72/14 72/19
 86/15 86/20 90/6 94/1 94/8
 95/5 97/8 97/24 99/13 104/7

104/15 107/20 108/4 108/6
 108/8 110/10 110/11 110/11
 110/14 111/3 112/8 112/25
 117/3 125/6 125/21 130/16
 136/10 139/14 139/21 146/14
 153/2 154/5 154/7 154/12
 157/18 160/5 162/12 162/13
 163/11 163/15 163/23 163/24
 167/21 171/9 175/12 193/2
 194/23 213/20 214/1 214/7
 218/2 222/16 223/3
 out-of-court [2] 69/15 69/20
 outcomes [2] 94/7 95/3
 outs [1] 37/19
 outside [8] 19/3 45/25 70/14
 92/4 118/15 121/16 164/10
 182/19
 over [49] 6/7 8/24 16/7 21/12
 23/7 37/25 43/13 63/7 65/11
 65/11 65/11 65/12 65/12
 65/12 73/25 79/25 81/10
 82/21 86/18 93/21 106/18
 110/4 112/13 117/3 126/5
 127/9 132/18 141/15 154/19
 154/21 156/25 158/17 161/3
 162/16 162/18 166/6 179/19
 180/9 180/12 180/16 180/22
 183/6 192/17 192/20 192/23
 195/10 197/22 215/18 218/1
 overall [2] 31/17 59/13
 overheard [2] 60/18 60/21
 overpayment [1] 104/20
 overseas [2] 9/2 134/20
 overstated [1] 104/11
 owe [2] 108/11 186/15
 own [11] 7/17 57/16 105/3
 129/8 166/24 188/23 202/25
 203/16 205/6 210/1 210/4

P

p.m [3] 16/16 147/24 147/24
 package [5] 134/22 137/3
 137/6 137/10 137/11
 page [8] 3/2 26/12 28/10 95/7
 159/4 189/5 189/6 189/6
 Page 000974 [1] 26/12
 Page 1 [1] 159/4
 pages [1] 88/24
 paid [9] 43/4 43/7 58/12
 86/17 104/15 107/10 109/17
 110/16 116/5
 pain [2] 198/16 200/16
 paint [1] 110/7
 painting [3] 188/3 188/4
 189/10
 paper [1] 131/23
 papers [3] 55/7 156/14 158/2
 paragraph [6] 26/18 213/5
 213/13 213/14 214/12 216/7
 Pardon [1] 69/12
 parking [3] 22/12 25/2 37/8
 part [49] 13/7 13/8 15/22
 19/10 27/23 48/23 53/11 56/6
 56/11 56/22 56/25 57/10 75/7
 75/21 79/8 79/24 81/1 82/22
 86/7 95/17 95/19 95/19 98/20
 98/20 101/3 102/19 104/2
 104/13 115/25 116/6 117/21
 118/4 118/6 123/3 129/11
 135/15 136/17 143/11 145/23
 146/1 146/8 151/4 157/11
 187/6 187/15 189/10 192/18

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 255 of 269		
<p>part... [2] 193/4 220/9</p> <p>part-time [4] 56/6 56/11 56/22 57/10</p> <p>partially [1] 165/9</p> <p>particular [21] 26/24 31/23 33/25 51/7 57/16 79/12 80/9 83/15 89/16 103/4 113/14 136/8 150/24 152/19 177/16 181/15 187/16 192/18 208/21 210/14 212/17</p> <p>particularly [11] 32/6 59/11 59/12 79/25 163/20 176/7 207/14 207/22 210/8 224/17 226/15</p> <p>parties [2] 4/4 8/22</p> <p>partner [2] 57/5 213/20</p> <p>parts [7] 23/14 23/15 24/12 25/16 141/2 196/15 218/2</p> <p>pass [11] 39/24 49/4 58/1 60/7 87/6 130/7 164/8 168/3 219/24 223/1 226/8</p> <p>passed [1] 213/20</p> <p>passenger [1] 33/12</p> <p>passing [2] 213/25 214/7</p> <p>passive [2] 182/14 182/25</p> <p>past [17] 33/2 35/12 37/20 46/15 46/19 46/20 63/6 63/16 63/20 79/22 82/18 83/4 84/10 84/11 85/2 139/13 214/1</p> <p>path [1] 120/12</p> <p>patience [1] 18/21</p> <p>patient [5] 179/15 179/17 211/4 213/11 213/19</p> <p>patients [6] 179/9 188/15 211/3 211/23 212/1 212/4</p> <p>pattern [3] 213/24 213/24 214/9</p> <p>Patty [8] 17/11 17/16 19/17 20/10 61/17 63/5 63/24 64/2</p> <p>pay [19] 54/15 58/19 102/12 102/14 102/15 102/23 104/17 107/12 107/14 107/16 107/20 107/21 109/8 109/16 109/24 110/14 160/13 160/14 160/15</p> <p>paycheck [1] 103/19</p> <p>paying [2] 48/11 142/12</p> <p>payment [1] 103/22</p> <p>pays [6] 108/18 108/24 108/24 115/22 116/9 136/13</p> <p>PC [1] 1/15</p> <p>peer [2] 121/16 131/5</p> <p>Pelot [4] 27/25 28/16 28/22 29/11</p> <p>pen [2] 81/22 81/22</p> <p>Pennsylvania [1] 1/22</p> <p>penny [2] 117/4 129/16</p> <p>people [95] 5/15 7/7 16/13 16/14 22/8 23/23 25/15 32/2 32/12 33/7 36/15 36/15 36/21 36/22 41/23 41/25 46/2 47/12 50/8 51/2 54/12 59/2 59/4 59/13 59/16 60/18 73/23 74/17 89/23 90/6 90/7 92/1 92/9 92/11 92/25 93/5 93/18 93/20 98/7 98/11 98/12 98/14 98/15 107/12 107/20 108/6 109/3 109/4 109/4 109/5 109/5 109/6 109/8 141/1 141/3 163/5 165/7 165/10 165/14 167/9 173/1 173/5</p>	<p>173/5 176/8 177/16 187/120 180/15 181/5 181/8 181/12 183/5 184/13 185/17 186/12 186/22 186/23 188/8 189/1 190/24 197/5 198/4 206/6 206/7 206/15 207/2 207/3 207/5 207/13 209/22 210/5 219/5 221/23 222/1 222/4 222/5</p> <p>people -- I [1] 207/2</p> <p>people's [2] 104/8 141/7</p> <p>per [5] 83/13 103/11 107/15 158/2 209/10</p> <p>percent [28] 24/11 50/13 102/9 104/12 115/15 153/22 154/21 155/19 155/19 155/22 156/3 156/22 156/24 157/3 157/5 157/7 157/10 157/18 160/10 160/17 160/17 161/3 161/12 161/13 162/15 162/21 162/24 163/18</p> <p>percentage [4] 59/14 108/19 109/1 109/2</p> <p>percentile [1] 114/14</p> <p>perception [3] 71/6 197/11 197/11</p> <p>perceptions [1] 176/14</p> <p>perch [1] 169/7</p> <p>perfect [2] 107/8 144/23</p> <p>perfectly [2] 13/22 24/14</p> <p>perform [2] 130/6 158/16</p> <p>performed [1] 201/18</p> <p>perhaps [7] 70/7 71/20 94/9 113/7 145/24 168/21 213/16</p> <p>period [21] 30/8 44/25 53/5 58/22 79/21 82/13 127/10 157/1 158/18 161/3 162/16 162/18 177/23 183/6 184/12 184/13 189/18 197/22 208/25 218/23 226/25</p> <p>periods [9] 79/21 160/13 160/14 160/15 163/2 194/16 194/17 194/25 209/3</p> <p>permanently [1] 225/17</p> <p>permission [1] 190/8</p> <p>permitted [1] 67/10</p> <p>person [48] 5/20 17/21 44/10 47/19 47/22 51/6 51/24 55/21 57/16 71/6 72/22 73/1 74/6 80/16 89/22 90/2 90/9 90/13 90/19 91/12 91/15 91/16 92/14 95/24 101/8 107/13 108/10 109/5 113/14 126/19 140/20 166/3 166/8 166/11 167/1 171/21 172/2 172/11 172/18 175/12 182/14 183/9 191/1 193/5 193/14 195/3 195/11 198/18</p> <p>person's [6] 80/9 101/1 101/13 101/17 118/4 191/12</p> <p>personal [5] 113/11 113/12 146/2 166/24 212/21</p> <p>personnel [1] 88/12</p> <p>perspective [2] 179/16 179/19</p> <p>pharmacies [1] 215/13</p> <p>pharmacy [1] 215/8</p> <p>phase [1] 187/6</p> <p>PhD [7] 54/7 55/12 55/13 77/21 96/4 100/6 157/22</p> <p>PhDs [1] 74/17</p> <p>phone [5] 17/7 17/9 47/20 47/25 48/8</p>	<p>phoned [1] 36/3</p> <p>phrase [5] 179/24 214/14 216/10 216/11 217/9</p> <p>phrased [2] 50/2 190/19</p> <p>physical [10] 29/19 90/14 90/23 172/6 172/6 190/6 196/23 204/20 217/1 220/14</p> <p>physically [5] 41/25 170/9 201/7 211/15 216/17</p> <p>physician [4] 201/19 202/4 202/20 203/18</p> <p>physician's [1] 182/25</p> <p>physicians [3] 51/19 217/2 217/5</p> <p>physiological [9] 172/15 172/21 176/16 176/22 204/7 204/9 204/14 205/14 205/21</p> <p>picayune [1] 19/14</p> <p>pick [4] 10/25 26/15 38/6 123/16</p> <p>picked [1] 113/16</p> <p>picture [1] 180/15</p> <p>pictures [1] 188/7</p> <p>piece [4] 172/17 177/8 185/11 207/20</p> <p>pieces [4] 23/14 184/1 184/17 185/23</p> <p>piled [3] 127/4 127/4 127/4</p> <p>pit [3] 205/6 205/7 205/17</p> <p>place [10] 197/5 198/17 199/18 200/20 200/22 200/25 206/13 206/14 206/20 206/22</p> <p>places [15] 34/22 173/1 177/10 189/24 190/25 191/2 191/3 191/6 191/7 194/8 206/6 206/7 206/8 206/9 206/11</p> <p>placing [1] 133/9</p> <p>plain [1] 120/18</p> <p>plaintiff [4] 1/3 62/22 113/6 168/5</p> <p>plaintiffs [4] 1/13 40/8 64/4 64/5</p> <p>plaintiffs' [2] 58/25 63/11</p> <p>plan [4] 58/3 170/4 184/2 186/5</p> <p>plausible [1] 34/13</p> <p>play [3] 32/13 190/13 194/23</p> <p>played [2] 8/24 11/10</p> <p>player [1] 37/16</p> <p>players' [1] 75/8</p> <p>playing [1] 19/11</p> <p>please [50] 4/10 21/25 26/12 28/12 28/23 29/15 41/2 41/10 41/12 41/14 42/4 60/8 76/20 76/23 77/9 77/16 77/24 81/14 81/15 85/25 92/19 99/10 99/11 99/19 105/4 106/3 112/21 122/11 133/23 139/21 139/24 143/20 148/1 148/8 148/19 150/22 168/24 169/1 169/15 177/13 180/8 193/13 198/11 204/9 213/4 213/9 214/11 215/6 217/22 226/22</p> <p>pleased [1] 7/15</p> <p>PLLC [1] 1/21</p> <p>plus [16] 48/11 75/17 101/5 101/9 106/22 107/25 117/24 123/23 136/7 136/14 150/20 154/19 154/21 154/22 156/4 178/23</p> <p>Poe [1] 63/7</p>

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 256 of 269		
Poe's [3] 17/17 62/22 63/18	precautions [1] 33/17	problem [17] 110/8 111/4
point [38] 9/25 13/10 17/9	preceding [1] 206/16	111/6 111/11 115/8 132/10
43/10 45/11 45/18 50/23	precise [3] 56/18 56/19 93/19	132/15 171/24 177/5 178/14
55/14 56/10 66/5 75/2 79/19	precisely [1] 127/14	178/15 178/15 185/23 185/24
92/9 93/23 95/6 95/8 95/9	preclude [1] 193/9	185/25 206/19 213/21
95/12 95/13 97/22 99/5	predicate [1] 72/20	problems [14] 31/18 33/25
113/23 121/1 128/18 130/16	predicating [1] 94/10	47/12 51/24 130/7 182/14
143/3 144/12 151/16 153/21	predict [3] 117/14 126/3	207/23 208/1 208/2 212/24
154/16 163/4 167/11 184/23	129/20	213/7 213/23 213/25 216/1
186/16 192/25 209/7 216/13	predicted [3] 146/19 146/22	proceed [2] 40/21 77/2
219/7	146/23	proceedings [4] 1/24 164/10
points [2] 23/18 167/6	prediction [1] 129/22	227/5 227/8
police [2] 30/13 186/23	predictive [1] 211/3	proceeds [1] 72/8
pool [1] 32/14	preexisting [1] 216/1	process [9] 121/10 129/5
poor [1] 12/7	preferred [1] 57/11	130/8 131/1 187/11 187/12
poorly [1] 50/1	pregnancy [1] 25/19	202/24 203/14 225/12
pops [1] 181/8	pregnant [7] 22/24 24/18 25/3	processing [4] 185/12 185/12
popular [1] 166/18	25/20 25/21 39/5 39/6	187/10 219/20
Population [2] 80/19 91/3	prejudices [1] 60/23	processing/restructuring [1]
portable [1] 37/16	premises [1] 110/25	219/20
Porter [1] 2/5	premium [2] 91/22 165/25	produce [12] 146/23 155/15
portfolio [1] 164/2	preoccupied [1] 176/7	156/8 156/14 156/25 158/18
portion [1] 199/11	prepare [1] 104/22	159/16 159/23 161/15 162/5
portrays [1] 26/2	prepared [1] 158/23	162/11 181/4
pose [1] 48/4	preparing [1] 88/8	produced [1] 1/24
position [11] 49/1 51/7 61/24	preposterous [2] 75/14 75/16	produces [10] 54/19 55/18
61/25 119/4 130/22 141/22	preps [3] 145/2 146/10 146/10	107/1 107/2 137/16 138/22
142/10 145/13 145/20 194/4	prescribed [2] 214/23 215/9	139/6 149/5 151/9 157/5
Positive [1] 225/5	prescription [1] 214/19	producing [2] 121/12 124/3
positively [1] 26/3	presence [3] 33/2 69/23	professional [4] 45/6 55/7
possesses [1] 90/20	118/15	91/11 211/10
possible [5] 25/11 47/21	present [37] 4/2 4/9 12/11	professionals [4] 22/15 45/20
183/3 213/12 213/19	17/7 48/16 60/11 61/16 62/4	92/10 179/7
possibly [3] 5/21 22/8 216/16	64/12 76/22 86/10 86/13	professor [7] 35/8 48/24
post [33] 65/10 83/11 123/8	101/22 113/2 119/3 119/14	52/18 52/19 53/5 72/24
131/20 150/6 170/15 170/17	121/24 133/22 147/14 147/25	136/24
170/20 171/3 174/3 179/13	149/13 150/4 151/10 154/23	professors [12] 52/16 53/6
180/4 181/6 181/18 182/2	156/8 156/19 159/18 159/21	53/7 53/10 53/22 54/1 54/2
182/12 182/15 182/20 183/12	162/15 172/17 173/22 177/10	55/9 55/22 56/3 56/3 56/4
183/24 184/6 185/16 190/13	177/11 178/12 187/4 187/5	profoundly [1] 85/16
190/15 191/11 192/13 193/10	226/23	profusely [1] 221/19
193/14 207/18 211/9 224/12	presented [3] 4/14 14/8 55/7	progeny [1] 127/15
225/16 226/1	presents [1] 25/11	prognoses [1] 194/14
post-incident [3] 83/11 123/8	presiding [1] 9/12	prognosis [2] 194/12 194/15
150/6	presumably [1] 36/4	program [5] 20/22 136/18
post-injury [1] 131/20	presumption [2] 64/20 64/24	158/16 166/12 179/21
post-traumatic [26] 65/10	pretty [12] 14/16 26/15 32/11	programmer [1] 166/2
171/3 174/3 179/13 180/4	37/4 37/17 37/19 38/1 59/2	programmers [2] 92/5 92/25
181/6 181/18 182/2 182/12	85/21 99/24 160/10 165/24	programming [4] 91/14 91/15
182/15 182/20 183/12 183/24	prevented [3] 35/1 35/2 67/4	91/17 166/2
184/6 185/16 190/13 190/15	previous [4] 46/19 47/3	programs [1] 167/22
191/11 192/13 193/10 193/14	125/11 185/5	progress [2] 141/3 210/12
207/18 211/9 224/12 225/16	previously [5] 24/8 26/14	progression [1] 75/21
226/1	27/16 38/11 139/4	project [9] 88/25 100/22
postgame [1] 226/25	prices [1] 138/13	117/3 118/23 119/19 119/21
postgraduate [1] 95/24	primarily [2] 78/8 100/16	120/5 141/20 154/24
potential [5] 73/24 126/18	primary [1] 46/10	projected [12] 79/25 82/9
194/1 194/14 194/15	principal [2] 156/4 157/15	82/10 82/21 88/17 88/19
potentially [1] 166/5	principle [1] 131/6	112/7 116/16 116/19 118/10
power [2] 154/20 154/22	principles [1] 121/17	140/11 165/7
practice [7] 34/14 169/25	prior [17] 15/11 19/9 46/20	projecting [1] 93/16
179/8 182/11 188/24 188/25	46/24 49/18 63/24 74/3 79/11	projection [6] 121/21 140/25
212/4	87/22 94/6 125/20 139/10	141/8 141/9 143/5 143/16
practicing [1] 49/11	170/16 214/14 214/22 224/11	projections [4] 111/8 112/10
practitioner [3] 169/22	226/19	113/13 161/19
169/23 170/2	private [2] 46/3 51/9	projects [4] 72/25 88/25
practitioners [1] 171/1	probability [2] 42/22 78/11	127/9 131/17
pre [4] 48/10 147/6 150/6	probably [14] 8/2 8/4 23/25	prolonged [1] 192/16
150/21	25/6 42/5 46/13 49/18 50/13	promise [2] 171/15 223/2
pre-assault [1] 48/10	73/15 155/19 165/4 165/24	promised [1] 226/11
		promoted [1] 48/13

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 257 of 269		
<p>promotions [1] 122/6</p> <p>prompts [1] 118/15</p> <p>prong [1] 184/18</p> <p>pronged [1] 182/1</p> <p>proper [1] 217/8</p> <p>properly [1] 10/1</p> <p>proposal [1] 148/6</p> <p>proposition [1] 71/18</p> <p>Protective [1] 216/19</p> <p>prove [7] 62/13 62/14 68/9 68/10 68/12 68/14 69/15</p> <p>provide [5] 42/25 50/24 81/6 98/6 123/11</p> <p>provided [3] 45/5 168/8 201/3</p> <p>provides [1] 53/14</p> <p>providing [1] 42/19</p> <p>prudently [1] 164/1</p> <p>psychiatric [5] 51/18 193/9 193/10 193/19 225/13</p> <p>psychiatrist [2] 51/15 209/8</p> <p>psychiatrists [1] 209/10</p> <p>psychological [5] 51/18 172/15 172/22 176/16 176/22</p> <p>psychologist [1] 51/15</p> <p>psychosocial [1] 224/18</p> <p>psychotherapist [1] 214/22</p> <p>psychotropic [1] 214/19</p> <p>PTSD [16] 192/7 199/12 203/25 207/13 207/14 207/22 208/2 208/8 209/2 209/3 209/14 209/17 210/2 210/8 210/14 211/25</p> <p>public [5] 33/3 38/22 38/25 206/11 206/20</p> <p>publicly [1] 38/25</p> <p>published [2] 54/13 55/4</p> <p>pull [5] 41/1 77/13 104/4 139/21 213/3</p> <p>punch [1] 118/23</p> <p>purpose [4] 7/20 14/11 154/23 186/24</p> <p>purposes [6] 52/14 52/23 56/13 112/4 164/9 165/20</p> <p>pursuant [1] 131/1</p> <p>pursue [7] 47/16 73/8 73/10 96/17 96/18 96/19 113/7</p> <p>pursued [1] 47/17</p> <p>pursuing [2] 45/11 95/23</p> <p>push [1] 186/16</p> <p>put [19] 10/12 25/17 56/9 68/5 84/25 86/16 99/9 99/16 104/14 107/14 110/22 117/19 119/24 155/12 159/15 176/21 191/16 194/20 213/9</p> <p>puts [3] 8/19 33/15 83/13</p> <p>putting [1] 34/6</p> <p>puzzled [1] 203/5</p>	<p>13/20 13/20 14/7 15/13 15/25 26/1 48/3 48/4 48/6 50/2 58/25 76/6 81/9 91/23 98/3 104/19 115/22 116/4 116/12 118/5 118/8 118/12 118/12 118/21 120/4 120/5 120/16 150/8 150/22 153/6 165/3 185/5 188/12 192/6 193/2 193/12 209/23 215/23 216/3</p> <p>questioning [3] 74/10 74/11 217/12</p> <p>questions [19] 6/24 8/25 14/15 39/14 39/25 67/14 87/16 118/14 119/16 158/20 164/16 196/9 199/18 199/25 200/3 215/21 217/17 222/15 223/12</p> <p>quick [1] 223/4</p> <p>quickly [1] 26/15</p> <p>quite [6] 33/7 48/3 73/12 127/24 146/11 187/20</p> <p>quotation [1] 28/23</p> <p>quote [6] 6/5 29/8 29/9 30/7 30/8 69/7</p>	<p>ready [2] 182/19 183/8</p> <p>reading [5] 27/2 189/3 189/5 189/5 225/18</p> <p>ready [5] 36/16 100/2 115/6 128/1 143/18</p> <p>real [18] 161/10 161/12 161/22 162/2 162/3 162/4 162/5 162/19 162/21 163/17 172/4 182/4 188/8 194/13 209/18 210/12 223/4 226/6</p> <p>real-life [1] 182/4</p> <p>reality [3] 97/5 121/11 127/7</p> <p>really [43] 7/20 8/5 10/6 16/7 19/10 24/4 28/24 29/6 32/11 33/19 35/4 35/15 36/3 39/21 45/9 55/20 55/24 60/4 70/16 71/8 74/16 75/4 78/23 85/17 91/20 92/15 113/12 120/4 131/25 160/12 163/1 163/1 164/4 165/22 175/16 185/7 188/12 192/10 200/25 205/22 210/6 210/17 210/17</p> <p>reason [19] 11/2 11/5 19/13 20/12 22/18 33/21 34/24 34/25 67/11 67/21 67/21 121/12 123/6 128/11 142/21 145/24 146/6 148/5 193/4</p> <p>reasonable [7] 42/22 47/24 48/6 49/1 78/11 145/9 146/4</p> <p>reasoning [1] 129/8</p> <p>reasons [2] 56/25 61/14</p> <p>reassert [1] 10/17</p> <p>rebut [3] 64/19 64/24 65/1</p> <p>rebuttal [1] 68/4</p> <p>recall [33] 8/11 13/6 13/8 13/10 21/10 22/11 22/18 22/20 23/1 23/2 23/7 23/9 23/19 24/8 33/14 34/20 87/22 88/16 114/4 173/2 177/14 183/16 183/18 195/6 198/8 199/4 199/5 209/10 218/15 222/9 222/11 222/14 225/19</p> <p>recalled [1] 22/22</p> <p>recalling [2] 22/4 222/11</p> <p>recalls [1] 219/1</p> <p>receivable [1] 129/23</p> <p>receive [2] 87/20 141/15</p> <p>received [3] 42/7 50/22 134/14</p> <p>recent [20] 19/19 19/21 60/17 61/1 61/3 61/4 61/4 61/19 61/20 61/20 62/2 62/20 64/20 64/24 65/1 66/11 66/16 66/25 71/17 133/6</p> <p>recently [7] 14/11 19/23 19/23 19/24 63/6 65/19 214/15</p> <p>Recess [3] 60/10 119/13 147/24</p> <p>recessed [1] 227/5</p> <p>recognize [1] 88/3</p> <p>recognized [3] 50/17 54/13 131/5</p> <p>recognizing [1] 186/6</p> <p>recollection [5] 61/20 69/18 198/17 198/23 202/7</p> <p>recommend [1] 185/2</p> <p>recommendations [1] 45/22</p> <p>reconnected [1] 63/6</p> <p>record [14] 46/18 64/6 66/12 71/13 72/20 73/7 88/12 91/4 126/6 129/12 133/21 138/20</p>
R		
<p>racing [4] 204/15 205/3 205/15 206/1</p> <p>raise [14] 117/14 117/17 117/25 118/9 118/9 118/23 118/24 120/8 120/9 120/20 140/23 144/21 146/24 168/25</p> <p>raises [9] 117/9 120/12 121/7 122/3 122/5 125/17 127/3 140/11 141/6</p> <p>range [3] 157/17 173/6 177/21</p> <p>rape [13] 5/21 6/11 6/14 9/18 9/22 15/11 60/5 68/14 196/23 201/18 202/2 203/22 223/25</p> <p>raped [8] 5/15 6/6 7/7 17/2 68/10 211/15 220/4 220/8</p> <p>rapport [1] 184/11</p> <p>rare [2] 208/24 208/24</p> <p>rate [49] 86/19 87/2 101/16 101/16 102/8 102/19 117/17 118/10 127/9 139/1 139/3 139/4 141/6 146/19 146/22 148/15 151/10 154/7 154/19 154/21 155/14 155/16 157/5 157/7 157/19 157/24 157/24 157/25 158/1 158/3 158/6 158/17 159/22 160/5 160/7 160/8 161/2 161/10 161/12 161/21 162/14 162/16 162/17 162/17 162/21 163/7 163/10 163/16 164/3</p> <p>rates [16] 101/21 101/21 140/11 156/19 156/21 157/18 158/13 159/19 160/3 160/3 160/4 160/10 161/23 162/23 163/1 163/3</p> <p>rather [7] 72/15 88/25 114/17 118/12 148/3 203/5 215/8</p> <p>raw [3] 90/10 90/12 166/16</p> <p>reaction [4] 25/4 202/24 211/14 224/19</p> <p>reactions [1] 180/18</p> <p>read [18] 24/9 27/3 27/4 27/7 27/9 28/14 30/17 30/21 51/17 74/16 81/25 130/3 142/20 143/25 182/19 183/5 189/4 209/11</p>		
Q		
<p>quack [1] 125/1</p> <p>quackery [2] 127/10 127/11</p> <p>qualification [1] 35/20</p> <p>qualifications [2] 74/10 126/22</p> <p>qualified [4] 48/10 74/7 74/12 96/12</p> <p>qualifies [1] 96/5</p> <p>qualitative [2] 55/15 90/15</p> <p>quarters [2] 34/1 34/19</p> <p>question [41] 12/8 12/25</p>		

R Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 258 of 269		
record... [2] 164/9 227/8	reliability [1] 69/22	209/13 209/18 209/19 209/21
recorded [4] 1/24 22/15 23/7 23/23	relied [2] 79/12 128/13	209/25 210/6 211/10 226/5
records [17] 25/8 44/17 46/18 47/6 51/18 51/22 58/14 63/7 63/18 88/11 88/13 90/19 195/22 215/9 215/13 223/11 224/22	relieve [1] 185/17	Reserve [1] 87/3
recover [2] 181/6 181/9	rely [1] 144/17	residence [1] 50/7
recovered [9] 14/11 19/7 20/6 65/8 65/9 71/19 219/11 219/13 219/14	relying [2] 107/24 222/5	resilience [4] 181/1 181/10 181/11 181/13
recovering [1] 20/20	remain [4] 96/17 112/9 121/7 142/10	resolve [2] 210/3 210/24
recovery [2] 181/2 211/21	remained [1] 119/3	resolved [3] 177/23 177/24 177/25
recurrences [1] 195/1	remaining [1] 141/15	resolves [1] 210/2
recurrent [2] 172/12 172/13	remains [4] 121/8 124/5 151/12 151/13	resolving [1] 211/11
redirect [5] 38/12 74/21 74/22 168/4 223/6	remarkable [1] 63/2	resources [4] 14/22 15/1 18/5 92/4
reduce [8] 86/9 112/18 182/2 186/19 186/20 187/1 191/15 219/6	remember [23] 8/5 8/6 8/12 12/4 12/6 12/8 12/18 16/18 16/22 33/19 33/20 34/21 35/19 36/11 61/18 166/7 177/16 193/6 200/18 219/8 220/20 220/22 222/13	respect [12] 64/12 67/1 68/20 70/19 122/17 125/1 129/20 170/7 174/15 181/15 190/14 190/15
reduces [2] 138/18 139/3	remembered [2] 20/5 218/7	respecting [1] 186/12
reducing [2] 150/2 186/24	remembering [4] 46/8 46/11 214/1 214/7	respond [1] 186/10
reduction [5] 115/18 134/1 150/4 181/5 182/9	remembers [2] 8/8 8/14	response [27] 19/4 62/9 73/18 73/19 121/20 125/8 125/9 152/25 172/8 172/15 172/21 172/22 173/16 175/1 175/6 175/12 175/18 176/17 178/16 191/18 195/4 199/20 200/10 204/7 204/20 208/5 223/21
reexperience [1] 172/11	remind [5] 177/11 191/6 194/9 206/6 207/3	responses [6] 183/13 204/10 204/14 204/21 205/14 205/21
reexperiencing [7] 172/12 172/14 172/17 176/2 176/23 192/15 204/5	reminded [3] 19/25 61/17 71/4	responsibility [1] 39/11
refer [1] 203/15	reminiscent [2] 172/16 206/14	responsive [2] 215/21 215/23
reference [2] 62/10 75/19	remission [4] 181/7 194/16 194/25 209/14	rest [4] 30/17 144/6 144/21 194/19
referencing [1] 32/24	remotely [3] 14/6 47/20 75/9	restate [2] 190/17 193/12
referral [1] 46/6	remove [2] 28/23 168/21	restricted [2] 173/6 177/21
referring [5] 66/21 92/22 105/9 200/22 201/1	reoccurring [2] 172/13 172/20	restructuring [1] 219/20
refilled [1] 215/11	repeat [1] 104/1	result [5] 30/19 138/9 140/8 204/1 219/11
reflect [2] 85/9 212/13	repeatedly [4] 60/20 60/21 62/6 71/12	resume [3] 4/11 20/22 148/7
Reflecting [1] 19/6	rephrase [1] 182/20	resurrected [2] 19/23 19/24
reflects [2] 102/21 141/3	replace [1] 158/12	retained [1] 50/5
refresh [2] 35/19 69/18	report [53] 28/14 30/7 30/11 30/13 30/17 30/21 30/23 31/1 45/11 52/2 52/3 52/5 53/2 54/17 56/2 56/9 56/11 72/5 74/16 79/22 79/23 80/16 82/20 87/21 87/23 87/23 88/23 89/16 113/21 119/24 119/25 120/1 120/7 122/8 125/12 129/13 130/3 131/14 135/13 143/9 143/25 144/4 144/10 155/17 155/21 156/20 158/23 159/20 160/2 168/21 190/5 213/25 216/6	retire [1] 82/25
refreshed [1] 69/16	reported [13] 23/3 23/20 25/1 27/24 104/25 174/24 198/13 204/11 204/13 204/21 216/18 217/2 217/5	retirement [3] 115/23 134/10 134/18
refuses [1] 127/7	REPORTER [2] 2/13 227/13	return [30] 35/14 35/21 47/16 89/7 103/6 103/9 104/5 104/14 106/2 109/15 109/22 109/23 110/16 155/14 157/5 157/8 157/24 158/6 158/17 161/2 161/13 162/14 162/17 162/17 162/19 162/21 163/7 163/10 163/17 164/3
regard [1] 57/24	Reporter's [1] 227/7	returned [3] 47/7 170/19 174/11
regarding [3] 14/12 116/17 164/25	reporting [1] 110/15	returning [2] 34/1 59/23
regret [1] 39/20	reports [8] 24/9 30/25 31/2 31/4 205/8 205/9 213/12 213/19	returns [11] 46/17 88/11 103/11 103/24 103/25 104/22 107/13 107/15 107/21 110/2 110/14
regular [4] 120/13 125/17 195/1 215/18	represent [7] 5/4 49/10 87/12 173/2 190/1 196/8 220/3	review [6] 52/1 88/8 135/22 140/7 143/17 145/11
rehab [3] 49/15 75/4 146/5	representation [4] 20/15 61/2 188/5 188/6	reviewed [11] 23/19 23/21 23/23 47/6 88/11 88/12 121/16 131/5 135/18 135/19 135/20
rehabilitation [22] 41/15 41/17 41/19 41/19 41/22 42/8 42/11 42/14 42/16 42/17 42/19 43/22 44/4 45/1 45/5 45/6 45/23 88/6 119/7 126/19 142/14 144/16	representative [1] 93/6	reviewing [2] 47/6 51/22
rehash [1] 9/3	represents [9] 63/10 134/9 139/9 141/14 142/17 159/18 160/12 162/19 172/16	Rice [11] 53/11 53/21 54/2 56/3 74/18 166/9 166/10 167/1 167/7 167/14 167/18
reiterate [1] 39/20	request [1] 15/2	Rice University [1] 53/11
relate [1] 190/21	require [1] 211/21	Richmond [2] 1/17 1/20
related [11] 78/17 78/18 92/17 93/21 94/3 94/15 95/11 96/20 97/17 192/4 205/23	required [2] 33/12 189/18	ridiculous [1] 112/12
relationship [1] 127/7	requirements [1] 204/6	right [192] 7/12 9/13 10/16
relative [1] 163/8	research [10] 182/13 191/21	
relaxation [1] 185/22		
relevance [1] 69/8		
relevant [17] 82/16 97/2 97/10 97/10 98/11 98/12 98/16 98/20 98/23 99/2 99/6 199/8 199/10 214/8 214/9 215/21 216/12		

R Case 4:07-cv-02719 Document 320 Filed on 06/30/11 in TXSD Page 259 of 269		
right... [189] 10/21 11/16 11/23 12/17 13/13 15/9 16/1 17/21 23/9 23/25 24/7 24/11 24/19 24/23 26/4 27/14 28/1 28/3 28/12 28/22 30/22 31/3 31/6 31/11 31/13 31/24 32/21 35/15 35/17 35/23 35/24 36/4 43/5 44/21 49/5 49/22 50/10 50/14 50/16 51/1 51/12 52/2 52/2 52/12 52/20 52/21 55/1 55/3 56/17 60/25 61/3 62/1 64/17 70/21 71/8 80/6 80/17 81/3 81/21 82/1 83/4 83/19 84/6 84/24 85/4 87/15 87/20 87/24 88/8 88/17 89/6 90/22 96/9 96/15 97/8 98/10 99/9 99/15 100/25 101/23 102/10 102/15 103/21 104/10 105/8 105/8 105/18 105/23 106/7 106/25 107/23 110/20 112/1 112/3 114/19 115/11 115/18 116/15 117/1 119/2 120/22 123/15 123/18 123/25 124/23 125/11 125/22 131/8 133/11 134/13 135/10 135/24 136/3 137/6 137/23 138/25 139/15 139/17 140/22 141/10 141/22 142/9 142/16 142/22 143/21 145/1 146/14 147/12 148/12 149/11 149/15 149/18 150/14 150/18 152/3 152/12 152/12 153/14 153/19 153/21 154/14 155/10 156/1 156/11 159/3 160/23 161/5 162/3 162/4 162/5 165/13 168/25 170/14 176/7 178/1 178/18 179/9 182/3 184/3 185/15 185/15 185/17 185/20 185/20 186/1 186/1 187/25 197/24 198/7 198/8 198/11 199/2 199/6 200/9 201/6 202/14 204/19 205/12 205/16 206/2 206/2 211/7 213/13 213/14 215/2 217/18 219/9 223/22 224/25 right-hand [1] 105/8 rights [3] 186/11 186/11 186/12 rigs [1] 34/9 rise [3] 60/9 112/21 226/22 risk [6] 163/10 163/14 163/16 163/21 163/23 164/6 risk-free [2] 163/10 163/14 risky [1] 163/23 Riverway [3] 1/16 1/19 2/11 road [7] 36/11 94/23 116/9 125/25 170/15 170/17 170/20 roads [1] 36/8 role [3] 78/14 92/12 127/12 roll [1] 116/15 Ron [1] 1/18 room [13] 7/17 10/15 10/23 11/6 11/15 11/23 11/25 13/12 49/24 51/20 115/3 195/21 195/21 roommate [1] 18/14 ROOT [2] 1/6 1/7 ROTC [1] 167/9 rough [2] 115/6 115/6 roughly [3] 34/1 36/25 36/25 round [2] 21/20 173/16	routes [1] 36/6 routes [1] 95/15 routinely [2] 215/3 215/4 rule [1] 69/25 rules [2] 12/20 68/24 ruling [2] 69/25 70/20 Rumba [1] 12/6 run [4] 34/11 51/19 58/22 148/14 Runions [1] 2/4 Rusk [1] 2/15 rustling [1] 131/23 résumé [1] 74/2 S sacrifice [1] 35/6 safe [2] 38/16 218/3 safer [2] 39/1 163/25 safety [2] 33/17 184/7 said [67] 6/5 9/16 9/17 9/20 10/15 11/12 11/19 13/10 13/12 14/1 20/5 22/23 24/12 26/11 28/23 30/13 30/23 31/1 34/10 44/13 60/20 62/23 62/25 63/1 63/5 63/23 64/6 64/10 67/24 69/7 70/9 71/19 71/20 71/25 97/6 114/11 116/4 129/25 131/13 136/16 144/8 144/23 156/16 157/17 160/7 160/9 165/20 165/22 166/16 175/3 176/1 179/8 179/16 191/24 196/20 198/19 199/22 200/24 201/9 208/15 220/7 220/11 221/12 221/12 221/15 221/22 226/3 Sailor [2] 27/10 27/12 salaries [5] 46/12 54/5 75/9 86/5 127/2 salary [21] 48/11 52/8 54/18 54/18 86/7 90/9 91/5 102/1 102/5 115/19 116/19 116/23 117/9 117/21 117/24 118/2 118/4 140/9 140/9 145/18 146/23 sales [2] 92/4 92/4 Sam [1] 78/6 same [52] 8/22 10/17 14/7 27/6 33/8 45/24 46/6 56/11 65/10 83/22 84/10 90/24 90/24 95/7 108/19 108/24 108/24 109/1 109/1 109/8 117/20 117/22 118/19 119/19 119/21 119/21 121/5 121/7 121/8 127/8 128/5 132/4 141/22 142/7 142/9 142/24 149/25 150/3 150/10 150/12 152/9 153/12 153/15 158/1 166/8 166/25 167/17 173/10 173/17 196/9 214/12 216/7 San [5] 21/10 38/17 170/19 174/10 208/18 San Diego [1] 208/18 sandwich [1] 8/2 sarcastic [1] 95/21 sat [1] 37/8 satellite [2] 55/2 75/6 saw [5] 10/9 23/24 30/14 31/1 145/18 say [68] 4/3 4/5 6/13 20/4 20/7 25/9 27/6 43/2 44/23 45/15 46/10 47/5 50/1 50/13 51/10 51/19 51/21 51/23 53/4	54/22 56/1 59/4 59/13 59/19 62/15 62/19 63/22 65/2 66/10 67/23 70/24 71/15 74/24 75/20 90/2 91/10 91/16 91/18 92/3 97/5 97/16 99/1 101/13 102/16 120/23 126/2 126/4 130/1 131/12 132/21 137/10 140/25 146/12 149/15 167/6 171/19 177/22 178/20 178/23 180/3 184/21 184/25 185/15 211/23 216/4 219/18 223/15 223/18 saying [19] 6/10 17/2 55/23 73/12 97/15 125/23 129/8 135/20 150/7 151/24 151/25 155/3 156/11 156/11 157/16 158/9 162/13 178/6 226/13 says [13] 62/25 71/15 119/9 121/24 122/4 126/12 129/25 130/4 131/16 143/11 212/5 213/11 226/6 Scarano [2] 227/2 227/3 scenario [15] 72/17 73/3 82/6 83/15 84/1 84/9 84/16 85/6 99/10 102/2 106/3 114/24 135/14 135/14 159/2 Scenario 1 [1] 102/2 Scenario 4 [1] 85/6 scenarios [19] 72/17 72/19 72/20 73/4 74/14 81/4 84/23 85/3 88/18 88/20 89/7 94/8 95/3 97/24 113/22 114/12 130/17 132/8 165/10 scene [2] 10/24 11/14 schedule [3] 36/3 37/5 38/3 school [31] 37/10 37/23 37/24 38/2 45/3 46/23 73/2 75/6 75/8 77/25 78/3 80/10 83/16 89/8 95/18 97/19 102/3 111/15 113/7 113/25 114/15 130/18 140/14 140/14 140/20 141/2 141/13 146/8 165/11 167/21 206/24 schools [1] 167/24 Schulz [9] 202/19 202/23 220/11 220/12 220/16 220/21 220/23 220/25 221/7 science [13] 42/6 73/9 77/19 90/14 91/1 91/8 91/12 99/2 99/22 166/9 166/10 167/2 167/14 scope [7] 4/15 11/10 11/21 18/11 19/3 191/5 206/11 scores [1] 80/11 scraped [1] 200/17 scream [1] 173/19 screen [2] 4/8 99/10 screens [1] 151/4 se [1] 209/10 sea [1] 33/12 sealed [2] 11/23 11/25 seat [7] 20/23 40/13 40/14 76/15 85/24 168/23 168/24 seated [7] 4/10 76/20 76/21 76/23 113/3 133/23 148/1 second [11] 37/25 79/23 81/7 82/22 82/22 83/19 83/21 83/22 89/10 99/12 219/3 section [1] 81/17 sector [1] 51/9 security [8] 13/4 14/21 105/16 107/25 108/14 108/19

S Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 260 of 269		
<p>security... [2] 109/1 115/24 see [99] 9/8 9/9 23/16 28/15 28/16 28/22 30/9 30/10 71/5 76/1 77/25 78/5 84/24 98/14 100/17 103/9 103/14 105/8 105/12 105/13 105/14 105/15 105/16 105/17 105/18 105/19 105/21 106/6 106/8 106/9 106/13 106/14 106/15 106/16 106/17 106/18 106/20 106/23 106/25 107/3 112/7 115/21 121/6 128/25 134/8 135/7 136/12 136/20 137/3 139/7 140/3 141/5 142/4 142/7 142/8 143/13 149/17 151/19 151/24 151/25 152/7 152/8 152/14 155/6 155/23 159/12 159/13 159/16 160/16 162/23 165/4 175/15 175/20 176/23 179/24 180/11 180/14 180/15 180/16 184/10 193/12 201/14 203/25 205/15 205/17 205/17 205/18 207/16 208/20 210/12 210/15 213/2 213/13 215/10 215/15 215/18 220/19 223/8 223/10 seeing [4] 13/6 13/7 13/8 208/14 seem [2] 146/4 210/10 seems [5] 23/13 23/15 45/17 111/23 192/9 seen [12] 13/20 28/18 28/19 31/2 31/4 71/8 180/9 180/18 188/7 208/25 210/15 210/16 segments [1] 79/14 self [3] 42/19 62/21 178/4 self-employed [1] 42/19 self-serving [1] 62/21 semester [4] 35/12 35/13 37/20 38/1 senior [1] 92/5 sensational [1] 19/9 sense [19] 23/9 64/12 91/7 93/25 107/5 107/7 107/8 129/18 133/19 144/19 144/19 144/23 173/4 173/8 173/9 177/19 177/22 184/7 194/3 senses [3] 197/8 197/18 197/25 sensitive [1] 5/17 sensory [1] 197/11 sentence [4] 4/4 26/20 27/9 216/25 separate [11] 72/18 81/3 103/3 119/24 120/3 123/13 128/20 161/21 161/25 164/24 176/22 September [2] 215/16 215/17 serious [1] 172/5 seriously [1] 18/16 served [1] 197/6 services [6] 1/7 42/2 42/19 43/8 45/5 216/19 serving [1] 62/21 session [1] 219/14 set [9] 29/14 92/21 93/7 126/10 126/10 128/4 128/6 129/1 197/5 sets [1] 93/3 setting [1] 144/2</p>	<p>several [8] 25/22 32/23 67/25 118/18 165/10 185/1 213/20 222/4 severe [3] 221/14 221/17 221/18 sex [10] 198/18 199/3 199/21 200/7 200/10 200/13 214/7 221/24 222/1 222/5 sexual [4] 18/1 18/8 213/19 217/1 sexually [2] 217/3 217/6 shaken [2] 184/25 205/18 Shaking [1] 203/3 shall [1] 121/21 shampoo [1] 12/3 shape [1] 124/20 share [2] 209/12 216/15 Sharon [2] 2/9 196/7 she [530] she'll [1] 125/24 she's [49] 4/8 9/2 14/2 25/3 36/19 54/22 54/22 54/25 62/3 64/14 65/10 71/11 72/23 82/10 82/24 83/12 94/4 95/9 103/6 103/7 108/3 115/23 115/24 119/4 125/21 125/21 126/3 126/14 128/12 128/16 131/15 131/17 131/25 135/3 144/3 145/1 145/10 178/4 178/13 180/19 182/24 188/7 188/8 192/1 209/9 209/9 213/17 219/5 224/25 ship [6] 31/12 33/6 33/13 33/17 34/1 35/4 ships [1] 32/1 shoe [1] 173/15 shopping [1] 33/3 short [5] 119/11 163/7 191/15 194/17 226/17 short-term [2] 163/7 191/15 shorten [2] 73/16 73/17 shortly [3] 33/11 47/18 199/5 should [19] 19/6 19/25 27/11 58/21 64/4 67/6 67/17 68/21 71/15 73/15 75/24 112/16 125/2 126/4 126/14 130/23 132/17 180/6 182/20 shoulder [2] 33/8 33/8 shouldn't [1] 114/13 show [16] 13/17 19/15 19/18 20/1 30/8 64/11 81/20 84/22 95/3 107/10 107/13 110/15 122/11 122/22 143/24 171/9 showed [4] 31/5 74/2 108/2 125/12 shown [8] 83/9 107/8 107/9 116/10 116/24 140/17 182/13 188/7 shows [16] 30/11 30/17 82/8 82/8 82/13 82/14 82/17 82/23 83/12 98/6 107/9 107/12 108/9 140/16 141/1 153/18 shut [1] 189/5 side [18] 12/19 63/11 70/11 70/12 74/4 78/2 117/25 123/8 129/6 139/21 139/21 147/3 147/5 147/6 148/16 150/6 150/21 152/17 sidebar [2] 18/25 110/6 sides [5] 18/22 147/1 147/5</p>	<p>sideways [1] 54/8 sight [2] 198/2 198/2 signaling [1] 71/8 significant [3] 8/16 173/25 181/12 similar [3] 14/21 56/12 93/20 similarity [2] 206/16 206/20 simple [2] 105/23 168/1 simpler [1] 132/6 simply [22] 14/7 30/19 67/23 73/12 74/11 78/15 86/13 97/11 107/9 110/16 110/25 117/21 121/23 123/1 131/7 133/8 150/19 151/3 151/3 152/18 154/19 168/1 Simultaneously [1] 208/12 since [7] 20/11 20/14 42/19 59/23 148/4 174/9 177/5 single [2] 67/21 117/4 sipping [2] 197/18 197/21 sir [114] 7/24 8/12 9/20 10/14 11/4 12/15 13/2 15/14 15/24 16/9 16/22 17/1 17/5 17/14 18/3 18/12 22/14 26/16 29/3 40/19 41/10 41/11 41/24 42/6 42/15 43/6 43/20 44/16 48/12 48/25 49/3 49/13 50/6 50/21 51/3 51/8 51/11 52/7 52/10 54/10 54/16 54/16 54/20 55/3 55/6 55/11 55/19 56/10 56/23 56/24 57/2 57/4 57/19 57/22 57/25 58/11 58/14 58/18 58/20 58/24 59/18 60/3 60/14 62/18 76/14 76/20 77/14 78/12 81/21 88/22 89/9 89/15 96/3 96/7 96/23 98/9 99/23 101/7 104/23 105/21 107/8 107/22 115/8 116/14 122/13 122/17 123/1 123/2 131/12 132/3 136/22 137/18 141/17 141/19 142/1 143/1 144/8 145/12 151/1 153/3 153/10 156/6 158/20 160/9 160/12 161/18 163/8 164/20 165/2 165/16 169/21 170/8 179/14 222/25 sit [19] 29/10 48/20 99/7 127/25 131/15 132/21 134/21 143/3 144/14 145/7 158/5 158/9 158/22 159/25 160/6 161/14 163/1 166/21 169/24 sitting [8] 22/17 37/13 48/21 164/21 178/1 186/16 222/13 223/8 situation [16] 5/17 15/24 44/24 45/2 45/2 45/7 50/25 72/6 72/21 93/25 104/21 104/21 146/2 161/1 186/10 188/11 situations [5] 93/24 173/1 177/10 182/4 210/23 six [13] 11/17 62/25 65/8 69/23 78/5 78/8 178/5 180/9 192/2 208/14 208/17 209/5 223/13 six-year [1] 208/17 sixth [1] 88/24 skewed [1] 130/9 skill [8] 50/19 51/5 92/21 92/23 93/7 97/19 128/4 128/5 skills [3] 42/2 50/17 57/17</p>

S Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 261 of 269		
<p>skip [1] 34/11 skipped [1] 34/14 sleep [2] 29/17 32/7 slide [1] 84/23 small [8] 57/7 145/25 170/23 177/23 184/16 190/24 191/2 218/2 smaller [2] 101/18 165/25 smart [1] 126/23 snapped [1] 23/12 snapshot [1] 140/3 snippets [4] 217/25 218/7 218/9 218/20 so [258] so, [1] 97/7 so, what [1] 97/7 sober [2] 29/17 29/19 sobered [1] 29/16 social [12] 105/15 107/25 108/14 108/19 109/1 115/24 169/17 169/21 173/25 190/22 212/21 218/9 socialize [1] 197/5 socializing [1] 197/4 Socially [1] 190/23 societies [2] 55/7 55/8 Society [1] 41/20 sodomized [1] 211/16 solely [1] 25/17 solemnly [3] 4/19 40/15 169/2 solving [3] 185/23 185/25 185/25 some [85] 8/2 11/1 44/17 47/12 51/10 56/5 57/10 59/4 59/13 59/13 59/16 59/25 67/8 69/9 74/5 74/5 78/21 87/16 88/12 88/13 89/24 90/3 92/9 94/15 97/12 97/12 97/18 98/23 100/4 100/19 108/6 109/3 109/3 109/4 109/5 109/5 109/6 113/11 113/25 114/13 114/17 118/20 122/19 127/7 134/18 142/11 163/2 164/18 167/22 171/11 173/20 174/1 181/5 181/5 181/5 181/7 181/8 183/23 185/21 187/3 187/4 187/13 187/14 189/19 191/1 193/8 194/16 194/16 195/18 196/9 197/4 197/16 200/18 206/13 206/15 206/20 212/20 215/8 216/4 221/3 222/12 223/13 223/15 223/17 225/18 somebody [22] 5/21 11/12 14/1 20/10 62/3 62/22 66/22 69/4 70/14 75/5 75/8 111/8 114/19 126/4 167/2 173/17 180/12 192/14 205/18 205/24 211/15 222/22 someone [30] 32/18 32/19 32/20 41/22 51/5 56/18 62/24 74/4 90/23 90/25 91/8 91/10 95/21 166/5 166/6 166/25 172/7 173/18 183/12 188/21 190/20 197/7 198/15 198/20 198/20 207/23 211/13 217/6 219/4 222/22 someone's [4] 56/24 90/16 93/16 173/7 someplace [1] 189/3</p>	<p>something [48] 11/12 19/19 17/3 19/8 21/14 21/17 29/18 38/24 55/8 63/7 65/23 66/11 69/6 85/18 85/20 95/8 96/19 97/2 97/3 105/1 112/2 114/15 117/13 125/20 142/20 143/15 173/10 173/15 176/5 181/10 184/3 189/4 190/9 192/8 203/4 203/6 203/9 203/22 204/16 204/17 206/2 219/19 220/15 220/18 221/10 224/2 224/8 224/19 sometime [1] 223/19 sometimes [6] 139/22 176/7 180/25 184/4 219/17 219/18 somewhat [3] 23/15 24/12 208/20 somewhere [10] 34/16 36/12 47/20 52/8 54/9 54/10 58/9 75/18 142/11 162/15 sore [1] 200/15 soreness [2] 200/16 200/17 sorry [30] 11/24 12/25 26/11 39/16 39/19 46/24 65/24 96/17 104/1 124/16 131/21 131/22 135/2 141/8 154/7 156/6 156/12 159/9 161/8 163/22 171/17 175/11 175/11 175/25 177/12 179/11 182/7 185/8 205/1 225/16 sort [9] 4/4 8/15 21/20 24/24 100/25 166/7 182/7 195/18 210/19 sorts [2] 185/4 218/14 sought [1] 209/15 sound [4] 130/21 131/5 198/2 198/3 sounds [3] 35/16 35/17 35/23 source [1] 46/6 SOUTHERN [1] 1/1 span [2] 208/17 215/18 spanned [1] 203/19 speak [12] 21/25 40/20 64/7 65/25 66/12 79/21 82/3 169/7 171/7 196/13 211/10 212/1 speaking [2] 205/1 214/20 specialty [1] 89/17 specific [17] 9/25 12/8 22/15 46/11 46/12 52/24 53/20 97/19 129/20 182/22 183/18 203/9 207/3 207/5 209/21 215/5 224/14 specifically [11] 8/8 8/14 11/5 12/4 56/22 60/6 88/23 174/22 182/8 199/5 204/9 spectrum [1] 210/20 spend [1] 36/12 spending [1] 36/22 spent [4] 43/4 43/9 78/1 78/6 spite [1] 181/11 spoken [6] 5/5 16/10 16/13 16/15 25/6 70/7 spontaneous [1] 69/15 spontaneously [1] 69/16 spreadsheet [2] 158/15 160/1 spring [1] 35/12 stable [2] 112/9 131/3 stage [3] 55/16 55/17 73/14 stand [21] 6/2 14/10 16/25 17/19 20/6 24/5 40/9 40/11 62/23 65/20 68/20 70/10 72/11 76/4 76/13 81/10</p>	<p>standard [2] 45/20 121/5 standing [3] 186/10 186/11 207/23 standpoint [4] 51/25 53/15 138/2 225/13 Star [1] 114/6 start [15] 31/21 75/18 102/1 102/5 115/19 118/8 123/16 123/16 123/19 125/13 176/5 181/25 184/6 184/16 190/7 started [5] 48/12 114/16 171/19 197/8 199/17 starting [12] 42/5 44/8 77/16 81/18 83/9 93/23 95/6 95/8 95/9 95/12 95/13 140/9 startle [2] 173/16 178/16 starts [2] 110/10 218/2 state [18] 8/10 16/6 16/24 41/12 42/7 42/9 52/9 52/11 53/18 53/24 54/8 55/22 77/9 78/2 78/7 78/10 144/10 224/3 stated [16] 23/4 23/18 26/20 26/25 27/5 27/10 27/12 45/11 108/19 113/21 119/23 120/1 122/7 135/13 143/1 143/3 statement [43] 6/5 6/8 13/7 13/8 14/12 14/18 14/21 14/22 14/25 15/3 15/6 15/9 15/19 15/21 15/22 15/24 16/4 16/11 16/16 19/7 19/7 19/12 19/13 23/16 28/4 28/25 29/5 29/8 29/11 30/7 43/19 62/21 64/15 65/2 67/16 69/10 69/14 69/15 69/17 69/19 70/8 102/18 104/12 statements [9] 23/20 24/10 27/15 27/16 28/12 28/15 28/20 29/12 79/10 stateroom [2] 32/6 33/11 states [12] 1/1 1/11 27/18 27/23 30/7 108/18 129/19 143/22 144/1 144/18 163/20 223/20 Station [1] 78/3 statistical [14] 55/17 56/19 57/13 91/25 92/1 92/6 93/7 93/21 93/22 98/5 98/16 107/18 141/9 179/7 statistician [2] 72/7 72/25 statistics [13] 51/10 53/14 57/20 80/3 80/21 86/25 87/2 90/3 91/2 100/17 107/24 113/15 129/2 Statistics' [1] 80/23 status [1] 44/10 stay [15] 10/1 32/6 37/18 40/4 55/6 61/13 95/21 97/1 117/22 141/22 142/6 142/9 153/11 177/4 188/22 stay-at-home [1] 37/18 stayed [12] 83/16 94/18 94/19 94/21 94/22 95/14 117/14 124/22 124/23 130/17 141/12 141/13 staying [3] 125/23 173/12 178/11 steady [1] 157/25 steel [1] 170/22 stenography [1] 1/24 step [3] 40/2 112/23 168/11</p>

S Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 262 of 269			symptoms [11] 205/8 symptoms [17] 47/5 173/11 173/12 173/21 173/22 178/2 178/25 181/5 181/14 182/2 182/3 182/9 186/19 186/24 187/2 194/18 194/20 syndrome [1] 65/10 system [3] 27/20 115/23 226/16		
Steph [1] 70/24 Stephanie [3] 1/21 1/21 2/4 stepping [1] 192/24 Steward [15] 76/8 77/4 77/10 77/11 77/23 78/14 80/15 81/14 125/13 126/20 128/3 131/8 133/11 164/15 168/6 Steward's [2] 126/13 132/24 still [14] 20/24 104/18 130/5 146/9 163/4 167/17 178/14 178/15 178/16 181/14 182/14 187/5 221/5 225/25 stimuli [1] 183/13 stock [1] 163/12 stomach [14] 22/25 23/6 24/17 24/21 25/5 204/16 204/17 204/18 205/4 205/5 205/6 205/6 205/7 205/17 stop [1] 189/2 stopped [1] 21/9 stopping [1] 147/22 store [2] 30/1 33/3 stories [3] 13/15 65/13 170/22 story [8] 17/2 17/6 19/19 19/19 20/2 27/25 38/22 65/11 straight [1] 82/7 straightforward [1] 120/16 straining [1] 223/12 strangers [3] 33/23 34/19 37/2 strapped [3] 12/16 12/18 67/20 stream [2] 79/4 79/4 streams [2] 165/6 165/7 Street [3] 1/22 2/6 2/15 strength [1] 180/6 stress [34] 27/11 65/10 171/3 174/3 179/13 180/4 181/6 181/18 182/2 182/12 182/15 182/20 183/12 183/24 184/6 185/17 185/22 186/4 186/5 186/6 186/6 190/13 190/16 191/11 192/13 193/11 193/14 207/19 211/9 219/15 219/16 224/12 225/16 226/1 stressful [2] 219/17 225/14 stressors [3] 182/4 224/18 224/18 stricken [3] 76/2 112/14 125/2 strike [10] 25/4 25/4 28/2 75/11 75/25 129/17 130/25 131/7 133/14 133/14 striking [1] 27/24 strong [1] 165/24 struck [3] 22/18 28/8 30/15 struggle [1] 194/19 struggles [1] 186/2 struggling [1] 193/1 stuck [3] 32/11 37/4 112/6 students [2] 36/14 158/21 studied [1] 209/22 studies [2] 51/19 95/24 study [3] 96/25 97/2 131/9 studying [2] 189/18 190/4 stuff [4] 32/12 35/16 98/23 127/13 subject [7] 24/3 26/9 66/2 66/9 67/15 74/15 97/10			subset [1] 98/10 subsides [1] 225/19 substance [1] 27/14 substantial [2] 44/9 55/15 substantially [3] 48/1 70/17 164/2 subtract [14] 54/17 101/8 102/5 123/19 123/25 124/1 137/1 137/9 137/13 149/3 151/18 152/3 152/9 161/23 subtracted [3] 54/15 132/11 152/9 subtracting [2] 122/19 153/14 successful [3] 187/1 210/21 211/12 such [7] 48/7 50/4 75/3 75/3 80/10 185/3 208/21 sudden [2] 23/12 198/2 suddenly [1] 22/17 sued [1] 50/12 suffer [7] 180/4 183/10 193/8 193/18 225/15 225/17 225/25 suffering [2] 65/9 188/12 suggest [1] 123/12 suggested [2] 19/16 183/24 suggests [1] 146/9 suicidal [1] 216/11 suing [1] 50/12 suitable [2] 41/23 113/13 suite [6] 1/16 1/19 2/11 50/8 50/9 170/25 sum [2] 27/14 156/7 summary [5] 79/5 84/22 84/25 85/3 215/8 summer [1] 100/13 summoned [3] 40/11 76/13 168/19 Sunday [3] 63/6 63/19 63/20 Sunday a [1] 63/19 supervised [1] 169/25 supplied [1] 46/18 supplies [1] 10/16 support [3] 27/19 27/20 199/16 supportable [1] 129/5 suppose [2] 47/19 100/1 supposedly [1] 62/22 sure [25] 27/9 32/24 37/4 54/22 56/15 72/4 77/17 83/9 113/16 113/21 121/23 131/13 134/19 134/20 143/17 147/16 155/16 157/13 159/3 196/19 197/15 199/14 202/10 203/6 224/10 surface [1] 99/1 survey [4] 80/20 91/3 92/24 93/4 surveys [1] 90/6 survival [1] 34/8 survive [1] 30/4 Susan [2] 2/3 5/4 suspect [2] 121/15 130/2 swear [6] 4/16 4/17 4/19 40/15 76/16 169/2 swimming [1] 32/14 swing [1] 160/11 switch [1] 105/4 swore [1] 6/2 sworn [6] 5/1 38/11 40/23 76/25 77/4 169/12		
			T T-bill [4] 86/19 155/16 160/3 163/7 T-bills [1] 163/15 table [18] 60/19 60/20 71/9 82/5 82/22 82/23 83/19 83/20 83/21 83/22 84/14 86/6 122/24 123/3 153/18 155/5 155/6 159/1 Table 2 [1] 82/5 tables [3] 81/17 81/20 168/6 take [54] 11/1 25/5 25/7 27/22 30/2 35/16 40/13 41/17 43/18 54/1 54/4 56/2 58/21 60/8 66/13 76/15 85/24 90/3 101/3 102/17 108/4 109/4 113/25 115/15 118/24 119/11 119/12 132/20 133/3 133/4 139/22 144/5 144/8 144/14 146/22 147/8 151/2 152/3 152/6 156/12 162/8 167/18 168/24 171/11 184/8 188/23 189/2 200/4 210/11 210/22 210/24 211/4 211/13 226/24 taken [24] 6/2 25/6 33/18 54/11 54/14 60/10 67/1 80/1 81/17 84/12 84/18 108/6 108/7 119/13 129/7 132/11 133/5 147/24 195/24 198/17 199/18 200/20 200/22 200/25 takes [4] 53/16 56/7 127/6 140/19 taking [10] 16/7 36/15 53/22 55/20 109/16 111/16 145/13 159/19 215/3 218/8 talent [1] 187/16 talk [17] 19/16 21/21 24/4 35/7 39/4 88/18 116/16 138/16 138/19 145/9 182/8 184/20 184/22 184/24 192/16 204/4 218/20 talked [3] 63/5 210/23 221/9 talking [25] 10/6 72/10 80/11 83/4 92/7 92/16 92/21 128/9 153/5 156/7 161/22 161/24 164/5 179/22 183/17 183/19 184/8 184/16 185/12 195/13 202/22 217/24 218/1 218/18 218/23 Tap [1] 171/25 tape [2] 195/11 195/16 task [1] 226/18 taught [4] 100/10 100/11 100/19 114/5 tax [66] 46/17 88/11 102/8 102/10 102/11 102/12 102/14 102/20 102/23 103/2 103/3 103/3 103/6 103/9 103/10 103/11 103/12 103/21 103/23 103/23 103/24 103/24 104/5 104/14 104/16 104/21 104/22 104/24 104/25 105/13 106/2		

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 263 of 269		
<p>T tax... [35] 106/2 106/7 106/16 106/22 106/22 107/1 107/2 107/6 107/17 107/21 107/24 107/25 107/25 108/1 108/10 108/14 108/14 108/19 109/9 109/12 109/12 109/14 109/15 109/20 109/22 109/23 110/1 110/9 110/14 110/15 110/16 112/16 116/3 116/5 116/11 taxable [1] 110/17 taxed [1] 104/25 taxes [21] 101/2 101/3 101/4 101/5 101/9 101/9 102/6 104/15 107/15 108/10 108/11 109/3 109/16 109/24 110/10 123/23 136/5 136/7 136/14 137/1 150/20 taxpayer [2] 103/17 103/18 teach [3] 74/7 100/16 122/7 teacher [3] 36/18 45/4 145/16 teachers [1] 80/12 teaching [16] 36/4 36/24 54/3 54/12 54/23 75/7 78/7 100/12 100/12 100/13 145/20 146/7 146/8 186/16 206/23 206/24 tears [4] 201/4 201/8 201/16 201/21 tech [4] 98/25 99/3 99/3 166/3 technical [4] 92/25 98/8 98/24 167/25 technically [1] 22/20 technician [4] 47/4 72/22 73/1 99/21 technicians [1] 92/5 techniques [4] 182/10 183/23 185/2 189/7 technologist [2] 47/2 48/14 technology [22] 47/4 47/13 47/19 66/20 73/5 73/9 73/22 85/19 90/14 90/17 90/25 91/9 92/2 92/10 94/15 95/11 95/22 95/23 96/20 97/11 97/14 110/24 Ted [2] 17/17 63/17 tedious [2] 99/24 100/3 telephone [2] 47/23 221/9 television [3] 222/24 223/9 223/10 tell [52] 6/3 27/16 28/7 33/24 34/4 34/16 34/23 42/4 43/11 57/20 60/4 77/23 128/13 134/21 134/25 144/17 157/23 158/4 159/22 159/25 169/19 171/20 173/7 174/14 181/21 183/23 186/4 190/12 190/18 195/9 197/1 197/16 200/21 201/11 201/13 201/23 203/7 204/9 204/12 207/25 210/9 215/5 217/22 219/15 220/20 221/11 221/17 221/18 221/19 222/8 222/12 223/24 telling [9] 24/8 34/17 35/19 53/25 53/25 68/21 96/24 158/7 159/14 tells [1] 25/3 tempting [1] 70/5 ten [6] 43/15 44/14 72/13 119/4 217/13 217/13</p>	<p>ten... [1] 43/15 44/14 tend [1] 160/15 tends [1] 85/19 tenor [1] 5/19 tenured [4] 52/17 52/19 56/3 74/17 term [6] 67/12 163/7 163/20 191/15 191/16 208/7 terms [31] 78/11 79/9 79/10 82/16 86/25 91/21 95/3 98/24 104/19 107/15 107/19 107/21 108/10 116/23 117/23 121/25 154/23 163/17 166/20 172/20 191/4 192/14 192/15 194/9 194/11 196/21 205/21 206/1 210/20 211/3 211/12 terribly [1] 66/22 test [1] 41/18 testified [22] 5/1 6/4 10/9 10/23 11/9 13/17 14/18 20/16 40/5 40/23 42/16 58/8 61/14 63/24 71/11 77/4 80/16 126/20 130/22 168/6 169/12 222/20 testify [10] 4/12 4/13 8/22 17/19 38/11 64/3 69/4 76/1 115/5 129/15 testifying [1] 128/22 testimony [23] 4/11 4/19 6/3 13/22 23/21 30/25 40/15 65/22 67/3 74/1 74/4 76/17 124/14 127/14 129/12 130/3 130/14 130/23 132/17 133/14 166/7 169/2 189/19 testing [3] 50/24 51/19 80/8 tests [2] 50/18 51/6 TEXAS [24] 1/1 1/4 1/17 1/20 2/7 2/12 2/15 42/10 42/11 42/12 42/16 52/9 52/11 53/16 53/18 53/24 54/3 55/23 56/7 56/15 77/18 78/6 100/13 186/22 than [43] 12/21 51/19 58/22 72/2 72/15 75/20 91/9 91/16 95/9 105/2 105/22 112/22 114/17 118/12 119/4 119/5 121/18 126/13 127/1 129/8 129/16 138/24 143/12 144/7 145/10 157/9 164/2 164/18 165/25 173/5 182/23 183/4 183/7 190/10 193/25 207/2 207/5 209/5 211/15 218/17 221/7 222/21 224/12 than -- I [1] 114/17 thank [35] 4/10 4/24 6/22 9/15 18/19 18/20 18/21 18/22 18/23 38/8 39/3 39/17 39/23 40/3 40/22 41/10 43/11 76/10 76/12 78/13 84/6 85/24 91/23 100/20 168/12 169/9 169/11 171/19 174/4 185/10 219/22 219/23 226/10 226/20 227/4 thanks [3] 148/12 226/14 226/15 that [1445] that the [1] 71/4 that's [224] 4/5 5/9 11/16 13/4 14/3 16/6 21/17 24/25 33/17 35/15 38/8 39/14 39/22 41/8 41/23 51/9 52/1 53/18 55/3 58/13 66/20 68/2 68/3 68/11 68/14 68/21 69/11</p>	<p>5/21 72/2 75/3 75/6 75/7 75/7 75/13 75/14 75/21 75/25 77/12 78/19 79/2 79/6 79/18 80/3 80/18 80/22 81/5 81/12 82/6 82/23 83/12 83/18 84/4 84/5 84/16 85/7 85/13 87/14 90/5 91/13 91/18 93/24 94/3 94/3 94/4 94/7 95/12 96/1 96/2 96/5 97/5 97/15 97/18 97/21 99/1 101/5 101/6 101/11 101/15 101/22 102/4 102/11 102/16 102/20 102/25 103/2 103/18 104/9 104/14 104/16 105/1 105/22 107/21 108/5 109/15 109/17 109/21 109/23 110/21 111/6 111/19 112/11 113/22 116/7 116/7 116/24 117/16 118/3 119/1 119/23 119/24 119/25 120/23 121/24 122/7 122/22 123/2 123/10 123/18 123/23 123/24 124/2 124/7 124/13 125/13 126/18 127/10 127/10 127/17 128/18 128/21 128/21 129/11 129/24 130/18 131/17 132/9 132/22 133/7 134/6 135/14 136/13 136/16 137/9 137/12 137/22 138/2 138/3 138/3 138/14 139/2 139/5 139/8 139/12 139/13 139/16 140/21 140/25 141/6 141/23 142/18 142/19 143/5 144/17 145/1 145/3 146/12 146/17 146/19 148/6 148/25 149/4 149/11 151/3 151/13 152/5 152/13 152/16 152/18 153/3 153/18 157/6 158/14 158/14 159/20 159/21 160/2 160/11 161/10 161/18 161/21 161/25 162/4 162/9 162/20 163/15 163/15 163/16 163/17 163/22 163/24 164/6 164/20 164/24 167/21 167/23 168/21 177/11 182/3 184/18 187/24 191/19 194/4 196/24 198/5 202/19 206/2 206/20 212/17 213/3 215/11 217/8 219/19 222/21 226/3 the representation [1] 20/15 their [43] 33/15 41/23 41/25 43/1 44/2 44/7 44/8 44/10 44/11 47/22 50/7 54/5 55/10 55/23 57/10 59/3 59/5 59/5 59/6 59/14 59/17 73/18 73/25 74/4 98/12 108/10 108/20 141/2 141/3 165/19 166/17 173/8 181/12 184/7 188/23 191/13 191/14 191/17 192/14 195/4 205/19 210/15 210/16 them [42] 19/10 23/14 23/15 24/11 24/12 31/2 38/6 42/3 43/24 44/5 54/5 58/10 65/17 65/17 99/3 130/16 133/16 133/19 158/21 158/21 170/5 172/12 175/22 176/6 176/6 176/7 178/3 178/4 178/19 180/13 180/14 182/6 187/7 187/9 187/14 191/16 193/6 198/25 207/18 208/17 210/17 222/13 them to [1] 187/9 themselves [1] 86/24 then [128] 11/14 13/7 21/21</p>

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 264 of 269		
<p>T then... [125] 21/21 22/22 23/3 23/17 26/9 29/2 33/11 38/2 38/20 42/1 43/17 44/3 45/4 48/13 53/16 53/16 62/24 63/25 68/3 69/9 70/10 71/17 71/20 73/4 76/8 78/2 78/5 79/15 79/16 79/16 79/23 82/10 82/20 83/10 83/14 86/9 86/9 89/12 89/14 90/20 91/14 91/18 92/11 92/19 94/18 95/2 99/13 99/14 101/4 101/6 101/8 101/16 101/20 101/23 103/7 104/11 104/15 104/17 108/4 109/19 110/23 116/8 116/9 117/17 117/25 118/6 118/9 118/12 118/24 120/2 121/11 122/21 124/5 124/11 124/12 124/18 127/6 132/12 132/12 136/23 137/3 137/19 138/17 138/25 140/10 144/13 145/5 147/12 149/9 149/12 151/17 151/17 152/6 153/15 153/16 153/19 153/20 154/2 154/7 154/15 155/11 156/17 157/3 159/8 160/14 160/15 161/22 161/24 162/8 162/19 166/2 166/4 174/10 184/15 185/24 194/17 197/24 199/4 199/24 203/17 215/11 215/15 215/16 222/15 224/9 theoretically [1] 167/23 theory [1] 100/18 therapist [2] 169/18 214/16 therapy [11] 182/11 184/3 184/16 206/10 210/21 211/5 211/12 214/20 214/21 217/23 218/19 there [141] 11/12 14/16 19/13 20/12 22/11 26/20 27/15 27/20 27/22 27/23 28/16 29/1 29/7 29/12 30/1 30/18 31/18 33/12 33/13 34/24 34/25 36/6 36/7 36/7 36/9 37/6 37/9 38/23 43/17 47/2 48/16 48/18 48/20 50/6 52/12 52/14 53/5 55/15 59/15 62/24 63/17 65/10 71/25 74/1 78/21 79/3 79/19 81/10 81/18 81/20 82/20 83/6 84/17 84/23 84/24 85/1 85/19 86/7 86/19 88/13 93/3 93/12 98/8 99/17 105/12 105/13 105/15 108/2 108/13 112/6 116/22 119/24 120/25 121/2 127/20 127/22 130/4 130/17 132/21 140/18 141/5 141/6 143/4 148/10 148/23 157/23 159/10 163/3 163/5 163/8 163/15 163/23 163/24 167/19 167/20 171/1 171/15 174/23 174/23 174/25 176/18 176/20 177/3 180/2 181/18 182/9 184/1 184/23 185/2 187/3 188/10 188/23 189/7 190/2 192/19 193/3 195/11 196/12 196/12 198/20 200/6 202/23 205/12 205/21 206/8 206/14 206/22 207/2 207/3 211/2 212/4 213/5 213/10 214/20 219/13 220/8 220/15 222/1 224/15 225/17 225/24</p>	<p>there [42] 9/20 11/20 13/24 21/13 32/12 53/20 57/11 61/6 65/12 66/25 69/1 69/9 69/9 72/19 73/7 79/4 82/22 87/15 108/23 108/23 111/17 117/6 121/7 123/6 126/6 129/4 135/3 135/4 136/7 137/21 143/4 146/6 158/14 163/24 165/23 173/9 174/17 178/3 189/19 191/2 192/16 203/9 thereafter [2] 47/18 199/5 therefore [2] 19/20 37/1 these [57] 8/25 12/23 13/19 25/8 28/11 28/11 28/18 30/25 31/2 31/2 33/18 36/22 43/8 45/25 54/18 61/11 63/15 65/13 78/22 85/9 86/2 86/5 86/21 86/21 86/23 87/4 99/15 99/15 103/10 105/2 105/3 112/10 112/13 128/1 130/9 134/7 138/16 139/14 139/22 148/14 158/11 161/15 167/22 172/18 175/11 175/20 178/25 179/5 181/3 181/14 182/5 205/8 205/9 218/7 218/9 218/22 223/12 they [113] 9/7 9/7 11/19 11/23 11/25 11/25 12/5 12/24 20/7 23/10 27/10 33/19 42/1 43/2 43/25 44/2 44/2 44/11 48/11 55/6 56/2 56/7 57/7 57/9 57/21 63/8 63/8 65/19 65/23 70/7 75/18 81/18 86/2 86/4 86/24 92/12 92/13 97/6 98/24 99/3 107/9 107/20 108/3 108/4 108/7 108/11 109/15 109/24 111/21 111/23 114/5 114/6 118/6 118/18 121/7 126/2 126/6 129/21 133/2 133/3 133/4 133/17 141/3 141/4 141/5 141/5 144/12 147/17 147/18 156/22 156/24 157/19 158/13 160/13 160/14 160/15 163/6 165/18 166/17 166/19 166/20 167/7 167/8 167/20 167/25 168/2 168/9 168/18 172/3 172/19 172/23 175/13 179/6 181/7 183/14 184/8 187/4 187/9 188/11 188/22 189/1 189/2 191/16 193/25 195/12 195/15 198/4 199/21 203/22 205/25 207/3 217/25 221/24 they'll [2] 71/16 108/6 they're [15] 25/6 25/8 44/1 65/9 84/18 86/22 90/21 91/17 91/18 101/19 113/9 166/5 176/21 185/14 187/5 they've [6] 20/10 20/12 63/3 65/11 65/12 70/6 thick [2] 195/14 195/20 thighs [1] 221/15 thing [17] 4/3 20/4 25/19 26/6 27/6 35/5 61/15 84/21 97/23 113/23 116/10 121/3 125/3 159/5 163/15 185/16 198/2 thing -- you [1] 198/2 things [49] 12/3 19/3 21/21 25/15 35/2 37/18 60/21 62/7 67/7 67/8 87/15 94/20 111/3 138/13 139/22 141/21 145/5</p>	<p>66/19 167/21 170/6 172/19 173/20 180/18 180/19 182/5 183/3 185/3 185/4 185/13 186/2 188/10 188/16 189/24 191/16 192/15 192/20 192/23 198/3 207/13 209/19 214/1 218/2 218/14 218/22 219/8 219/16 219/17 222/12 226/7 think [123] 8/23 9/16 9/25 10/1 10/5 11/8 11/11 11/16 11/20 12/5 13/17 13/19 13/24 14/3 14/13 14/20 15/13 16/21 17/20 18/17 20/18 23/24 25/6 25/14 25/25 28/19 31/1 31/11 32/11 34/16 38/4 40/6 41/4 41/8 41/21 43/10 47/11 48/1 48/3 49/11 56/7 58/8 58/11 58/14 58/17 59/13 59/18 67/12 71/24 72/5 73/16 75/15 85/13 85/18 87/18 89/25 99/17 102/9 102/22 109/25 111/23 111/25 112/14 113/10 113/13 114/9 115/21 118/18 125/9 128/8 128/11 128/14 130/2 130/13 132/21 133/11 133/12 134/1 136/16 140/14 143/14 145/3 145/18 146/6 146/9 146/12 148/3 164/4 165/17 165/22 165/23 176/19 177/6 178/3 178/12 178/13 179/8 179/16 182/25 190/19 192/6 192/7 192/13 192/17 193/5 195/2 196/21 197/20 201/17 207/7 207/17 207/24 212/3 212/14 217/13 217/14 217/16 218/20 219/18 220/11 221/22 225/17 227/1 thinking [4] 76/5 126/14 176/5 183/16 thinks [1] 130/15 third [3] 195/17 195/18 213/4 this [254] Thomas [3] 40/8 40/23 41/13 those [107] 22/7 23/9 23/11 23/14 23/21 24/1 24/10 25/5 25/15 27/16 28/16 29/12 31/4 32/4 33/5 34/11 43/21 51/4 52/1 52/10 53/2 53/18 53/19 54/3 56/1 80/2 82/15 85/4 86/14 86/16 89/23 97/24 97/25 98/18 99/24 114/2 114/11 116/9 127/3 134/11 134/14 134/16 139/21 139/24 143/4 143/14 144/6 144/13 144/15 145/5 146/11 150/18 151/4 155/18 155/18 156/21 158/10 158/10 158/16 158/20 160/3 160/4 161/13 161/23 162/2 162/3 162/4 162/22 163/8 168/16 168/17 170/6 172/8 172/19 173/10 173/20 173/21 174/2 175/4 175/7 175/10 175/14 175/19 177/1 182/2 183/3 185/4 185/23 188/22 189/2 189/20 191/3 192/20 192/23 198/7 199/15 204/17 204/21 205/20 205/22 205/25 207/17 209/14 209/15 211/7 211/8 212/17 though [8] 29/18 29/20 64/21 75/13 93/9 114/5 214/5 226/12</p>

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 265 of 269		
<p>thought [9] 63/8 72/13 74/13 133/17 165/20 185/14 205/1 219/20 224/3</p> <p>thoughts [13] 172/13 172/20 172/25 176/3 176/4 176/9 177/8 185/13 188/22 189/2 218/22 218/24 218/25</p> <p>thousand [1] 56/6</p> <p>threat [2] 38/23 172/6</p> <p>threaten [4] 5/23 6/10 6/16 6/19</p> <p>threatened [2] 7/3 172/4</p> <p>three [21] 2/11 65/17 72/19 73/4 134/11 148/4 169/24 171/2 171/2 175/8 175/9 175/11 175/14 182/23 196/15 204/1 204/23 204/24 215/13 215/14 217/16</p> <p>three-day [1] 148/4</p> <p>three-hour [1] 204/1</p> <p>throat [3] 204/15 205/3 205/18</p> <p>through [35] 26/9 38/1 41/19 46/2 46/13 53/3 56/15 82/23 95/10 109/15 109/21 109/23 117/3 135/13 140/24 151/3 153/1 159/8 167/9 167/9 172/12 172/13 172/14 172/14 176/2 182/13 187/10 187/10 189/3 202/14 207/8 212/11 222/15 225/6 225/12</p> <p>throughout [7] 34/17 34/21 54/8 55/22 124/5 180/14 180/15</p> <p>throw [3] 142/2 158/24 193/2</p> <p>tied [1] 131/19</p> <p>tight [2] 10/24 11/14</p> <p>time [129] 5/14 8/22 10/12 14/13 15/16 15/20 16/10 16/13 16/18 17/5 19/2 22/8 22/9 25/9 25/22 28/4 31/2 31/4 31/12 31/13 31/18 33/9 34/5 35/7 35/15 35/19 36/2 36/9 37/9 37/11 37/15 37/25 38/23 43/4 44/25 46/8 47/3 48/23 53/5 56/6 56/11 56/22 56/25 56/25 57/10 57/11 58/9 58/22 60/16 61/9 63/4 63/23 64/5 64/13 72/1 72/2 75/7 78/1 79/21 79/21 82/13 84/18 86/18 93/21 94/21 98/19 114/4 114/9 121/25 126/20 126/20 126/24 144/2 144/5 144/9 145/15 145/17 145/18 145/20 145/22 145/23 145/24 146/1 146/7 146/8 146/10 146/13 153/2 160/13 160/14 163/12 164/23 171/11 173/17 177/23 178/6 179/19 180/5 180/11 180/12 180/15 180/16 183/6 184/9 184/12 184/14 184/17 185/6 189/18 192/25 194/16 194/17 196/1 197/22 205/25 208/21 209/1 209/4 209/13 211/21 211/24 217/11 218/1 218/1 218/23 220/23 221/3 222/9 224/15</p> <p>times [24] 32/23 46/11 63/5 71/13 124/12 131/4 138/21 149/12 151/8 151/9 153/23</p>	<p>156/2 157/2 157/6 158/20 170/12 180/17 181/8 184/23 185/16 188/23 191/25 192/19 209/9</p> <p>timing [1] 67/2</p> <p>tired [1] 16/2</p> <p>tissue [7] 201/5 201/9 201/23 201/25 202/3 202/5 220/13</p> <p>to do [1] 67/5</p> <p>to-go [1] 8/13</p> <p>today [40] 5/7 29/10 34/20 42/21 43/13 47/3 52/21 56/14 78/10 86/16 96/5 98/6 98/17 119/5 129/16 133/17 134/21 135/25 147/10 154/25 155/4 155/12 156/3 156/7 156/13 156/17 156/18 157/25 158/12 158/18 159/15 162/1 162/2 164/21 178/1 183/10 186/2 190/15 222/13 225/25</p> <p>Todd [1] 1/14</p> <p>together [11] 10/25 11/19 23/17 24/14 32/11 32/15 37/11 61/11 171/2 176/21 200/18</p> <p>told [53] 7/6 7/10 7/14 11/3 15/5 15/8 16/24 17/25 24/16 25/20 35/11 38/16 60/18 102/22 148/14 156/15 156/22 162/1 167/13 178/17 182/25 196/18 196/24 197/3 197/16 197/24 198/8 200/18 201/20 202/4 202/5 202/11 202/19 202/23 209/9 218/14 218/17 220/4 220/5 220/12 220/12 220/15 220/21 220/21 221/21 221/21 221/23 222/1 222/4 222/6 222/10 224/4 224/5</p> <p>tolerate [3] 184/8 184/17 217/25</p> <p>Tomball [1] 36/10</p> <p>tone [1] 5/19</p> <p>tongue's [1] 190/14</p> <p>tonight [1] 17/5</p> <p>too [12] 20/6 32/12 66/5 66/25 70/25 76/21 111/6 119/12 125/7 133/6 138/9 201/15</p> <p>took [13] 7/11 8/10 16/10 31/23 46/17 60/19 77/20 107/10 114/11 129/8 184/12 184/13 195/17</p> <p>tool [2] 70/16 195/18</p> <p>tools [1] 70/15</p> <p>top [4] 54/7 139/20 139/20 183/19</p> <p>topic [2] 31/8 66/10</p> <p>topics [1] 99/15</p> <p>torn [7] 201/5 201/8 201/23 201/24 202/3 202/5 220/12</p> <p>total [15] 83/3 98/7 101/1 106/22 112/11 123/20 136/4 136/14 136/21 137/6 137/9 137/11 139/9 155/9 200/13</p> <p>totally [4] 31/8 34/14 129/17 175/15</p> <p>totals [2] 84/24 84/25</p> <p>tour [1] 37/10</p> <p>toward [3] 36/10 55/13 130/14</p> <p>towel [3] 8/19 10/9 10/13</p> <p>track [4] 36/7 93/21 126/6 168/10</p>	<p>traffic [1] 86/8</p> <p>trailer [4] 7/12 7/22 16/3 64/14</p> <p>trained [4] 186/13 186/21 186/21 186/23</p> <p>training [11] 34/9 34/9 42/2 169/20 185/22 185/23 186/4 186/8 186/9 186/13 210/1</p> <p>transcript [3] 1/10 1/24 227/8</p> <p>transcription [1] 1/24</p> <p>transcripts [2] 80/10 80/11</p> <p>transform [1] 208/7</p> <p>transforms [2] 208/7 208/9</p> <p>trauma [25] 172/11 172/11 172/16 173/1 173/2 173/3 176/2 176/4 176/8 176/14 177/9 177/11 177/14 184/16 185/24 186/20 190/6 191/6 192/16 194/9 210/19 211/8 211/11 211/13 211/16</p> <p>traumatic [32] 65/10 171/3 172/3 172/4 174/3 174/16 174/17 179/13 180/4 181/6 181/18 182/2 182/12 182/15 182/20 183/12 183/24 184/6 185/16 190/13 190/15 191/11 192/13 193/10 193/14 207/18 210/10 211/9 211/24 224/12 225/16 226/1</p> <p>traumatized [1] 205/19</p> <p>traumatizing [1] 185/14</p> <p>Treasury [2] 163/19 163/20</p> <p>treat [4] 166/8 170/3 180/12 180/20</p> <p>treated [7] 67/17 170/9 174/5 180/5 180/9 209/3 225/6</p> <p>treating [3] 211/3 212/15 225/9</p> <p>treatment [37] 44/1 44/1 170/4 170/7 170/13 179/21 181/4 181/15 181/21 181/22 182/10 182/12 184/2 184/5 184/9 184/11 184/18 185/1 185/9 185/11 185/21 187/6 188/10 193/4 194/3 209/14 209/15 210/2 210/3 214/14 214/18 214/20 214/22 215/1 215/22 215/25 217/8</p> <p>trial [9] 1/10 5/7 6/2 6/4 9/12 63/21 63/25 69/23 169/9</p> <p>tried [2] 59/25 61/13</p> <p>triggered [1] 211/25</p> <p>trip [1] 31/16</p> <p>trouble [5] 21/25 29/13 46/7 113/4 169/8</p> <p>true [31] 7/8 7/15 7/16 7/18 7/19 12/21 14/19 15/3 15/4 15/17 15/23 16/8 16/11 16/14 18/2 24/10 61/23 63/1 63/12 65/3 69/11 88/24 109/13 109/19 109/20 109/21 123/1 132/9 152/24 225/24 226/4</p> <p>truly [1] 55/20</p> <p>trust [1] 184/11</p> <p>trusted [1] 191/1</p> <p>trusts [1] 32/20</p> <p>truth [22] 4/21 4/21 4/21 6/3 29/21 40/17 40/17 40/17 61/6 64/23 69/2 69/6 69/9 69/9 69/17 69/17 76/17 76/17 76/18 169/4 169/4 169/4</p>

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 266 of 269		
<p>try [12] 19/1 19/14 22/1 40/19 41/23 63/14 67/13 68/21 102/22 114/16 169/6 181/16</p> <p>trying [16] 19/5 25/21 25/23 29/14 29/14 53/9 53/9 68/10 95/5 95/19 95/20 97/8 138/10 162/11 181/22 214/25</p> <p>Tuesday [2] 227/2 227/3</p> <p>Tulane [1] 209/8</p> <p>tumble [2] 115/6 115/7</p> <p>turn [1] 28/10</p> <p>turns [1] 162/13</p> <p>twice [4] 180/21 180/25 215/11 215/15</p> <p>two [49] 21/20 21/21 31/19 37/20 37/23 37/24 43/14 43/15 44/13 65/17 72/1 72/2 79/20 79/21 82/12 105/8 109/8 117/24 119/17 125/12 131/16 131/16 139/21 145/1 146/10 146/11 151/4 152/18 161/14 173/21 175/4 175/9 175/14 175/19 176/21 178/20 178/23 180/10 182/1 190/4 190/9 204/1 207/17 208/17 209/18 214/2 214/5 225/8 226/6</p> <p>two degrees [1] 190/4</p> <p>two-hour [2] 43/15 44/13</p> <p>tying [1] 130/2</p> <p>type [26] 5/20 43/24 43/25 45/5 45/12 46/3 47/8 47/13 47/14 47/16 47/17 50/18 50/24 85/17 90/12 90/16 91/21 92/10 94/11 99/3 105/2 105/3 134/18 163/8 163/9 191/8</p> <p>types [6] 8/6 78/22 93/5 93/12 114/20 158/11</p> <p>typical [4] 63/10 141/7 203/25 210/7</p> <p>typically [7] 12/23 48/2 50/4 55/6 193/24 194/23 210/2</p>	<p>understand [36] 5/7 50/1 51/17 6/1 11/13 12/25 14/25 15/2 27/23 53/25 59/19 61/23 95/5 103/16 103/19 104/1 104/19 108/13 108/16 108/20 108/25 109/9 113/18 116/4 118/17 128/23 132/19 138/5 138/5 138/15 150/7 161/20 164/17 199/12 203/23 223/22</p> <p>understanding [18] 109/22 113/24 119/9 134/15 145/7 190/5 197/15 199/15 200/1 200/20 200/21 200/23 200/24 201/2 201/19 203/20 209/17 223/23</p> <p>understands [1] 51/12</p> <p>understood [8] 21/19 21/19 22/22 26/8 32/16 116/13 165/4 224/1</p> <p>understood you [1] 224/1</p> <p>underwear [1] 12/2</p> <p>unduly [1] 66/14</p> <p>unfairly [1] 22/5</p> <p>unfamiliar [5] 189/25 194/10 206/8 206/22 207/5</p> <p>unfortunate [3] 22/7 22/16 25/10</p> <p>unheard [1] 22/7</p> <p>uninvited [1] 226/18</p> <p>unique [1] 57/16</p> <p>unit [2] 5/11 5/24</p> <p>UNITED [6] 1/1 1/11 108/18 129/19 163/20 223/20</p> <p>universe [3] 98/7 98/10 113/16</p> <p>universities [2] 53/23 114/16</p> <p>university [20] 35/8 42/7 42/9 53/11 53/21 54/2 54/3 77/18 77/22 78/6 85/10 100/13 111/22 145/14 166/12 166/14 167/4 167/8 167/15 169/22</p> <p>unknown [2] 189/25 190/1</p> <p>unless [4] 21/13 39/18 69/8 132/20</p> <p>unnecessary [2] 66/4 66/6</p> <p>unprotected [5] 198/18 199/3 199/21 200/10 221/24</p> <p>unquestionably [3] 62/2 71/25 72/2</p> <p>unreasonable [1] 145/3</p> <p>unreasonably [1] 162/17</p> <p>unstrapped [1] 67/20</p> <p>unsupportable [1] 131/1</p> <p>until [16] 30/4 36/25 44/11 44/25 61/10 62/16 63/19 65/18 116/14 127/25 143/7 144/9 144/15 174/9 174/12 223/19</p> <p>untruthfully [1] 13/17</p> <p>untruthfulness [1] 13/20</p> <p>unusual [3] 14/12 208/20 208/22</p> <p>up [120] 10/25 13/10 17/4 17/15 19/8 19/19 20/2 24/5 24/24 26/15 26/19 28/11 29/16 30/5 33/8 34/19 37/9 38/6 40/12 41/10 44/10 44/11 46/18 47/23 56/8 56/20 61/17 66/2 66/9 76/14 81/3 83/1 85/1 86/2 86/22 92/23 99/9 99/13 99/15 99/16 104/4</p>	<p>5/25 107/6 110/15 112/8 112/9 112/10 114/23 116/19 118/1 118/3 120/20 121/10 121/18 123/19 130/16 130/19 135/7 138/1 139/13 139/24 141/16 141/18 142/2 142/6 144/10 144/13 146/16 148/10 150/18 153/7 153/21 153/23 156/5 157/3 157/13 158/2 158/24 159/5 165/3 168/21 168/21 168/23 171/15 174/24 175/15 180/18 181/8 182/4 182/5 184/3 186/3 186/10 186/11 195/17 195/20 195/20 196/9 196/13 196/18 196/19 196/20 197/1 197/5 198/8 198/13 199/13 200/15 202/14 203/20 213/3 213/9 215/5 215/6 218/1 218/10 218/23 219/3 220/7 226/24</p> <p>up with [1] 130/16</p> <p>upcoming [1] 128/1</p> <p>upon [12] 30/18 42/10 67/2 67/3 67/3 72/20 73/5 98/23 107/24 129/15 137/16 180/5</p> <p>upper [1] 105/8</p> <p>upset [4] 15/18 32/22 184/25 205/18</p> <p>urge [1] 61/16</p> <p>urging [1] 66/8</p> <p>us [65] 7/4 7/10 7/14 11/3 17/25 18/21 24/16 25/18 27/16 33/24 34/17 35/11 35/20 38/16 38/24 42/4 43/2 43/11 53/25 56/12 57/20 63/20 66/1 66/25 67/25 77/15 77/23 80/20 80/23 84/22 86/24 96/24 98/6 98/17 102/22 125/20 134/21 134/25 148/5 148/5 156/15 157/23 158/4 162/1 163/23 170/21 171/2 171/9 171/20 181/25 182/18 182/25 186/4 186/16 195/7 195/9 198/8 198/11 200/21 203/7 204/9 217/22 221/21 224/16 226/20</p> <p>use [31] 45/19 45/23 56/13 61/22 62/9 70/15 78/20 78/22 80/23 81/22 81/23 90/10 112/4 117/1 121/25 125/21 131/15 142/15 148/19 158/16 164/1 174/6 179/7 185/21 205/6 209/19 209/19 209/20 210/6 214/18 219/6</p> <p>used [22] 8/4 12/23 45/25 45/25 52/3 52/14 53/1 67/12 70/8 80/19 86/19 103/17 115/5 121/15 160/3 171/15 179/16 182/10 184/2 185/22 188/10 215/13</p> <p>useful [1] 98/5</p> <p>uses [2] 121/10 143/14</p> <p>using [3] 48/7 184/15 208/9</p> <p>usually [1] 13/1</p> <p>UT [3] 53/22 74/18 77/21</p> <p>uttered [1] 71/17</p>
<p>U</p> <p>U.S [1] 2/14</p> <p>Uh [8] 196/17 200/12 201/10 202/18 204/8 207/10 213/8 214/17</p> <p>Uh-huh [8] 196/17 200/12 201/10 202/18 204/8 207/10 213/8 214/17</p> <p>uncomfortable [1] 218/2</p> <p>uncommon [1] 176/8</p> <p>unconscious [5] 174/18 196/12 198/4 211/24 212/7</p> <p>under [17] 6/2 6/3 12/20 20/24 44/1 50/24 56/11 84/1 93/10 99/11 116/22 131/24 165/10 176/23 178/21 206/5 207/8</p> <p>underemployed [2] 191/10 193/22</p> <p>undergarments [1] 12/4</p> <p>undergraduate [13] 77/17 77/20 77/25 80/10 93/19 93/20 94/11 94/13 94/15 96/18 97/10 114/18 189/17</p> <p>underlying [2] 90/5 93/2</p>	<p>V</p> <p>vaginal [5] 200/16 201/5 201/8 201/16 201/20</p> <p>valid [4] 73/3 93/23 129/22 158/7</p>	

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 267 of 269		
v value [22] 86/10 86/13 97/19 97/20 97/21 101/22 134/9 134/10 134/22 135/6 139/6 149/13 150/4 151/10 154/24 155/11 156/8 159/18 159/21 162/15 166/24 167/12 variable [1] 85/13 variety [1] 36/15 various [4] 24/9 137/16 181/17 183/13 vary [3] 155/18 157/19 160/3 vehicle [2] 159/15 163/23 vehicles [1] 163/5 verbatim [3] 23/20 23/21 24/9 version [1] 23/7 versus [9] 5/8 85/10 90/14 90/14 114/18 128/10 146/8 167/2 181/1 vertically [1] 139/17 very [61] 4/15 9/15 18/19 18/20 25/14 26/2 26/3 26/5 26/5 30/6 32/22 34/4 34/13 36/8 38/10 40/3 40/10 45/15 45/16 50/14 59/17 62/2 65/2 65/5 65/21 68/24 84/21 94/9 113/4 126/23 126/23 127/23 128/24 148/12 149/17 162/17 163/4 163/4 168/7 168/12 169/9 173/19 179/23 183/6 184/8 184/12 184/22 184/22 187/11 190/14 190/24 191/3 191/24 198/1 200/15 208/20 209/20 223/5 225/14 226/10 226/20 veterans [1] 225/24 vicinity [1] 58/9 Vicknair [1] 1/15 victim [6] 5/21 6/11 6/14 9/18 15/11 25/12 video [1] 4/14 view [6] 23/18 129/15 163/19 163/22 164/5 209/12 viewed [2] 69/14 71/23 violate [1] 212/2 violence [4] 211/17 212/8 216/14 216/23 visibly [2] 184/25 205/18 visit [2] 23/25 214/15 visiting [1] 48/15 vital [1] 226/18 vocational [19] 41/15 41/18 41/22 42/8 42/14 42/17 43/1 43/15 43/22 44/4 44/25 45/21 45/23 46/4 49/15 126/18 128/13 144/16 146/5 voice [4] 22/1 41/10 71/6 205/19 voices [1] 71/5 voir [5] 60/12 72/3 72/5 112/24 115/1 volume [1] 22/1 voluminous [1] 215/8 Vorpahl [3] 2/3 63/10 64/7 vulnerable [2] 191/7 222/23	55/23 55/24 56/8 56/19 56/19 56/20 72/8 72/25 88/25 89/1 89/3 89/5 90/1 wager [1] 75/20 wages [3] 53/16 53/17 112/7 waiting [2] 173/14 173/15 waived [1] 74/25 waking [1] 219/3 Wal [2] 32/23 32/25 Wal-Mart [2] 32/23 32/25 walked [1] 17/9 walking [1] 33/8 want [37] 15/19 21/12 34/23 35/4 39/3 39/4 62/11 62/12 70/13 70/24 71/22 84/21 99/14 108/7 115/12 130/10 147/10 147/10 147/20 147/21 163/9 163/10 165/3 165/5 165/13 171/3 171/5 174/14 176/6 184/24 185/6 196/15 203/6 209/11 212/2 212/11 226/12 wanted [14] 7/18 14/25 18/18 34/22 35/2 39/18 56/17 67/5 73/21 95/21 95/23 157/8 159/3 197/6 wanting [6] 15/21 34/5 69/7 191/6 194/8 218/24 wants [1] 112/19 war [2] 58/19 225/25 warning [2] 19/9 226/19 warrant [1] 126/21 was [366] wasn't [20] 15/2 16/20 16/25 22/21 23/11 29/1 34/3 36/3 36/4 37/10 37/11 59/25 61/8 74/19 98/3 127/18 135/11 203/22 219/13 220/8 watch [2] 37/13 37/17 watched [1] 61/17 watching [1] 110/7 water [2] 8/2 34/8 waved [1] 71/5 way [44] 5/23 6/10 6/17 9/19 11/14 12/16 18/17 25/1 25/13 30/24 31/21 38/3 38/6 40/12 46/6 65/1 66/25 67/5 70/14 71/18 75/18 76/14 83/22 84/10 92/8 98/4 99/21 104/7 104/13 124/20 130/7 130/19 151/3 153/2 164/22 179/24 190/19 199/10 202/9 206/13 211/3 212/7 222/16 225/9 ways [4] 117/24 176/3 185/13 219/16 we [237] we'd [1] 184/16 we'll [7] 20/3 21/21 76/1 88/18 88/18 103/15 181/24 we're [41] 4/11 5/7 18/11 20/20 26/9 26/14 60/25 61/21 64/15 68/10 68/14 71/3 74/22 74/24 74/25 76/8 76/9 76/10 92/6 92/21 93/16 97/22 99/17 100/2 115/4 128/9 129/2 138/16 140/22 147/22 161/22 168/20 168/23 178/1 178/23 181/4 181/4 183/17 186/16 195/13 202/22 we've [19] 5/5 7/10 8/24 8/24 13/14 13/14 18/17 32/16 32/23 63/15 68/4 71/8 131/22	143/3 152/15 168/3 182/22 184/2 202/14 wearing [1] 130/6 week [14] 30/4 31/24 38/4 38/18 38/24 58/16 63/6 63/19 63/19 64/16 145/19 148/4 180/24 180/25 weekend [2] 128/1 195/10 weeks [6] 49/18 173/23 179/1 180/17 182/24 185/19 Weighing [1] 185/14 weight [1] 130/14 welcome [1] 6/23 well [147] 8/13 11/19 17/16 23/18 23/25 24/6 32/16 33/1 35/18 37/3 37/17 37/19 38/21 40/10 45/17 47/19 51/21 53/1 54/13 54/13 56/1 60/20 61/8 61/10 61/25 62/4 62/25 64/3 64/4 64/11 67/14 68/19 74/6 74/12 74/19 75/3 75/12 75/24 75/24 77/19 78/15 78/21 79/8 79/20 85/6 86/7 86/13 89/25 91/13 91/23 92/8 93/16 98/3 98/15 98/15 98/18 99/2 100/13 100/19 102/22 103/2 111/14 116/15 117/6 118/14 119/6 122/5 126/8 127/18 127/20 128/8 128/23 129/7 132/24 133/9 138/2 141/8 142/2 142/13 143/15 143/25 144/19 144/23 146/5 150/19 153/6 153/23 154/1 155/5 155/22 156/7 157/10 157/14 157/16 157/22 158/17 158/23 160/7 160/11 160/17 161/7 161/16 161/18 162/1 162/11 162/11 167/19 168/7 170/12 178/13 179/24 180/14 182/18 182/22 183/4 184/1 187/10 188/13 188/21 189/17 189/24 190/4 190/15 192/6 192/24 193/24 198/1 199/11 199/25 200/3 200/15 200/24 201/3 202/1 202/2 204/12 205/15 209/19 209/24 209/25 210/9 212/2 215/1 216/10 219/3 223/5 224/14 went [28] 10/15 10/25 11/19 31/9 37/9 42/10 45/2 45/4 47/14 52/8 59/20 61/12 67/20 69/6 71/24 78/3 88/18 135/13 174/10 195/16 195/16 195/18 200/17 203/20 203/21 203/21 207/8 214/3 were [87] 5/10 8/1 9/21 12/11 16/4 16/13 17/7 21/9 22/20 22/24 23/5 23/10 24/10 24/11 24/12 24/21 25/8 25/15 25/16 28/5 28/7 30/19 31/11 31/18 34/17 35/1 37/13 38/22 38/25 39/1 46/18 48/11 48/15 48/16 49/14 52/22 60/16 67/9 69/4 79/10 87/17 88/13 92/13 114/2 114/5 114/6 120/2 125/6 129/14 135/8 148/13 156/19 156/19 156/21 156/24 157/7 157/18 158/13 159/20 160/10 165/19 167/13 167/19 167/20 170/18 171/1 174/23 175/19 187/4 193/8 195/24 197/9 198/25 205/1 205/25
W		
W-2 [4] 105/7 106/13 107/9 110/15 wage [20] 52/5 52/10 52/13 52/23 53/13 54/19 55/23		

Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 268 of 269		Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 268 of 269
<p>were... [12] 209/7 211/24 215/13 217/2 218/23 220/8 220/14 222/1 224/22 225/9 225/15 225/22 were present [1] 156/19 weren't [5] 16/3 16/7 65/19 223/11 225/10 West [1] 1/22 what [338] what's [20] 63/11 71/17 71/25 83/20 92/22 122/7 141/6 145/3 149/1 149/23 151/6 156/1 158/2 160/17 160/20 173/11 180/14 185/19 186/1 199/15 whatever [24] 19/14 34/25 64/16 71/24 72/22 73/22 101/20 101/21 102/19 103/3 103/17 104/20 108/3 114/18 126/12 129/10 142/21 145/24 153/22 154/20 155/16 160/4 160/23 211/24 whatnot [1] 130/1 whatsoever [4] 30/12 69/8 72/20 144/20 when [91] 5/10 8/9 8/20 11/5 12/11 13/25 17/7 17/9 19/16 20/14 21/9 22/21 24/8 28/4 31/9 33/6 35/24 43/2 48/15 49/14 49/22 50/3 50/16 56/24 61/16 63/10 63/20 67/13 70/15 71/10 72/15 82/6 87/16 87/20 91/13 93/16 110/13 113/23 114/3 122/15 134/1 134/15 135/13 142/21 144/9 150/1 150/3 153/20 155/17 162/21 170/18 174/10 174/10 175/2 175/9 176/1 176/4 176/6 179/15 179/18 181/3 184/10 184/19 188/21 189/4 190/7 191/3 192/15 192/19 192/22 196/14 198/4 200/15 201/17 202/1 204/4 204/14 210/14 210/21 213/23 216/15 218/8 218/9 220/7 220/17 221/2 221/7 221/7 224/17 225/11 225/18 where [60] 9/2 27/23 30/15 33/2 33/15 34/14 49/22 65/12 65/13 65/14 65/20 71/2 76/7 85/19 86/23 92/4 93/13 94/19 95/6 97/22 105/12 106/25 114/2 114/5 114/10 114/15 119/2 120/20 120/20 135/7 140/3 143/11 144/12 147/3 163/6 165/18 165/23 166/17 168/2 170/9 170/11 170/14 170/18 170/24 179/5 182/24 184/3 184/6 184/16 184/23 186/16 191/16 191/25 194/16 196/1 200/19 206/8 206/14 206/22 213/11 whereas [1] 125/16 wherever [1] 44/11 whether [31] 25/25 26/1 29/3 51/6 62/1 62/20 63/1 66/21 67/19 67/19 68/5 69/7 73/21 79/9 90/22 96/19 96/20 97/9 97/13 98/14 107/23 111/11 134/13 152/22 164/22 192/7</p>	<p>which [63] 30/7 30/17 44/14 46/8 54/11 55/4 55/8 63/1 65/5 67/5 68/2 70/11 72/20 75/11 75/17 82/20 83/13 85/4 88/20 89/22 91/2 91/21 94/4 100/2 100/18 101/17 103/14 108/20 112/17 129/25 131/9 134/17 135/4 136/7 138/22 138/22 142/16 142/22 149/9 149/18 152/14 153/16 154/16 156/17 159/1 161/14 162/22 173/6 173/14 174/11 176/13 179/6 180/12 192/18 195/12 195/12 195/19 195/23 204/5 204/9 204/21 226/15 226/16 while [14] 7/11 33/3 37/13 38/6 63/18 72/14 99/21 134/23 174/18 182/5 186/12 199/2 221/5 223/12 who [69] 5/21 9/18 9/22 10/20 11/20 13/3 13/4 13/25 15/11 17/11 17/20 21/7 33/5 37/13 41/22 51/12 54/6 54/13 59/2 59/16 62/3 62/25 71/17 72/7 72/10 74/17 91/16 92/11 92/11 92/20 98/11 98/13 98/14 98/15 99/24 107/20 108/18 111/8 113/6 114/15 114/18 129/9 144/22 144/22 166/6 166/11 181/6 186/22 195/11 201/20 202/2 202/20 207/23 209/15 209/22 210/15 211/13 211/15 211/23 211/23 212/4 216/17 219/4 220/4 220/8 222/1 222/24 225/20 225/25 who's [11] 30/24 30/24 62/1 62/1 74/6 75/4 75/5 89/22 166/3 166/4 217/11 who've [1] 210/16 whole [9] 4/21 36/15 36/22 40/17 76/17 128/18 159/5 169/4 203/22 whom [1] 70/6 why [39] 11/2 11/5 26/11 27/4 38/20 42/24 48/19 61/6 62/2 64/8 64/9 64/10 68/17 79/19 113/18 113/22 121/4 121/21 125/16 126/13 126/18 127/14 127/18 130/22 131/12 147/7 157/23 161/14 171/25 180/12 182/17 188/20 189/20 189/23 194/3 212/17 213/3 220/9 224/12 widely [1] 51/9 wife [40] 22/11 22/15 22/17 22/23 23/20 23/24 24/1 24/17 24/20 25/1 25/6 25/11 26/3 27/11 27/13 27/24 27/25 28/4 28/7 28/15 28/23 29/4 29/11 29/20 30/11 31/9 31/23 32/4 32/17 33/1 33/23 33/24 34/18 35/11 35/13 35/20 36/12 36/24 37/24 39/21 wife's [7] 25/9 30/6 30/19 33/21 34/3 35/7 37/7 will [50] 4/17 4/20 21/21 28/15 30/8 31/8 40/12 40/13 40/16 42/21 52/4 57/21 64/7 66/5 66/12 72/12 72/13 73/16</p>	<p>66/2 66/17 87/20 100/14 109/15 116/19 121/6 129/9 129/21 140/3 140/23 141/22 143/11 144/6 144/11 146/23 148/3 168/13 168/25 169/3 171/11 180/2 180/2 185/17 190/18 194/15 203/11 203/13 210/3 211/9 213/16 214/2 William [7] 10/20 10/23 10/25 11/2 11/6 11/9 41/13 wind [4] 14/14 14/15 17/15 158/2 wings [2] 19/2 67/13 wish [2] 111/2 194/13 wishes [1] 112/20 withdrawals [1] 86/17 withheld [4] 103/18 105/13 105/15 106/16 withhold [1] 108/3 withholding [1] 105/19 within [4] 19/15 93/2 98/10 212/4 without [19] 16/3 19/9 27/21 32/17 35/20 45/6 66/21 74/20 113/11 125/15 125/16 137/23 142/4 168/17 210/3 222/11 225/16 226/12 226/19 witness [60] 4/12 4/16 4/18 10/4 11/15 13/16 14/8 14/10 14/10 17/17 19/20 24/6 26/21 40/11 49/4 58/1 60/7 63/4 67/4 67/18 68/4 69/19 70/3 70/6 72/5 72/13 76/8 76/9 76/13 76/24 76/25 86/1 87/6 87/25 110/8 112/14 112/15 112/24 118/11 120/15 124/19 125/2 125/4 125/7 125/10 125/11 129/25 130/2 130/4 130/7 130/25 133/15 143/19 147/17 164/8 168/3 168/19 219/24 223/1 226/8 witness' [2] 69/18 110/24 witnessed [1] 183/16 witnesses [6] 3/3 39/24 127/13 127/24 128/1 147/19 woke [3] 198/13 203/20 218/9 woken [1] 13/10 woman [6] 17/2 17/22 19/15 68/10 113/6 113/19 women [2] 57/7 226/17 won't [2] 120/23 130/3 wondered [1] 209/24 wondering [2] 32/16 33/23 word [13] 8/4 44/21 62/9 70/24 115/15 131/12 172/5 179/17 187/23 187/24 197/9 208/9 210/6 words [6] 25/5 25/7 143/14 144/6 204/18 205/7 work [94] 36/17 37/5 41/23 41/24 42/3 42/11 42/13 42/13 43/4 44/3 44/5 44/22 45/4 45/9 45/10 45/18 46/2 46/22 47/3 47/6 47/8 47/14 47/16 47/17 47/20 47/22 47/25 49/21 50/11 56/24 57/10 57/11 59/3 59/7 59/8 59/11 59/14 59/16 59/20 59/23 59/25 60/2 74/3 78/3 78/4 78/17 79/25 82/7 82/21 82/24 92/11 99/4 99/16 100/8 104/13 111/9 114/16 119/22</p>

W Case 4:07-cv-02719 Document 320 Filed 06/30/11 in TXSD Page 269 of 269		
<p>work... [36] 121/22 123/19 125/3 128/5 128/6 131/16 135/8 135/17 141/15 144/2 144/12 144/20 144/24 144/25 145/1 145/25 146/9 146/13 147/10 148/3 148/4 151/16 156/14 158/2 164/17 164/18 164/18 164/19 164/23 167/25 169/21 170/4 197/5 217/3 217/6 226/16</p> <p>work-related [1] 78/17</p> <p>worked [6] 42/15 42/17 42/18 44/11 46/8 46/11</p> <p>worker [1] 169/18</p> <p>workers [1] 56/23</p> <p>workforce [4] 53/16 56/7 56/15 83/2</p> <p>working [29] 34/9 47/23 50/23 55/13 58/16 59/1 59/6 59/11 59/12 60/4 72/22 77/23 89/21 89/22 90/21 102/2 111/17 134/23 135/3 135/11 144/1 145/19 145/23 145/24 159/1 172/1 184/12 190/14 210/5</p> <p>works [6] 48/23 83/22 84/9 134/19 151/14 153/2</p> <p>worksheet [1] 155/8</p> <p>world [4] 37/3 190/23 191/4 225/25</p> <p>worried [3] 13/21 64/15 66/22</p> <p>worry [1] 118/14</p> <p>worse [2] 127/1 164/15</p> <p>worst [1] 25/11</p> <p>worth [1] 157/4</p> <p>worthy [1] 67/18</p> <p>would [346]</p> <p>wouldn't [22] 7/4 11/2 25/9 25/12 27/20 74/13 91/5 91/7 91/11 96/11 104/19 115/21 122/2 122/13 128/5 132/1 145/23 157/9 162/16 167/6 184/24 208/9</p> <p>wrap [1] 24/24</p> <p>wrecks [1] 210/15</p> <p>write [5] 15/22 15/24 65/13 99/2 166/4</p> <p>writer [1] 166/4</p> <p>writers [1] 98/25</p> <p>writing [2] 56/4 98/24</p> <p>written [9] 23/2 23/10 23/24 25/8 25/13 26/2 27/14 54/4 103/18</p> <p>wrong [7] 34/16 62/1 75/13 165/17 220/18 224/2 224/8</p> <p>wrote [5] 22/23 23/16 25/15 28/22 142/21</p>	<p>101/25 101/24 102/3 103/4 106/6 107/14 107/15 108/11 109/24 112/7 115/19 116/20 117/2 117/14 117/25 117/25 118/9 118/23 119/2 119/22 120/8 120/9 120/21 121/8 124/6 125/24 127/10 129/10 129/21 129/21 134/8 135/4 135/6 137/12 140/4 140/10 140/10 140/21 140/21 140/23 141/16 141/17 141/18 142/5 142/5 142/6 142/12 143/12 151/12 151/18 152/19 153/8 153/11 153/14 153/15 155/20 155/21 156/25 158/18 161/3 162/16 162/18 208/17 226/13</p> <p>year's [3] 150/24 152/16 157/4</p> <p>years [60] 11/18 24/17 24/20 49/11 53/3 54/4 54/12 61/11 62/25 65/8 69/23 78/4 78/5 78/8 82/15 83/1 119/4 122/19 125/12 125/20 126/5 127/13 136/9 140/17 140/18 142/22 144/22 149/19 152/6 152/9 154/20 154/24 155/1 155/4 155/15 156/8 156/14 157/6 158/1 158/19 159/24 160/20 162/2 162/6 162/7 165/14 169/24 170/1 180/10 180/10 180/22 192/2 193/25 208/1 208/14 209/5 214/24 215/19 223/13 225/8</p> <p>yes [319]</p> <p>yesterday [5] 21/5 22/19 23/1 24/16 31/4</p> <p>yet [6] 28/7 33/6 65/16 65/19 133/18 151/10</p> <p>yield [3] 160/12 160/16 162/25</p> <p>you [1114]</p> <p>you'd [1] 161/12</p> <p>you'll [5] 106/6 141/5 167/22 167/24 215/9</p> <p>you're [83] 4/20 6/23 9/9 10/5 20/15 20/24 21/16 32/24 40/2 40/15 43/4 43/5 47/10 51/13 51/15 53/25 69/7 77/11 78/17 83/3 92/21 96/24 103/21 103/23 112/1 113/3 113/13 115/5 115/22 122/20 122/22 135/20 140/22 141/8 150/7 151/14 151/22 151/22 151/25 152/21 153/14 153/16 155/6 156/7 156/11 156/11 157/11 157/22 158/7 159/14 161/23 162/5 162/13 165/6 166/1 166/3 168/11 169/3 170/14 171/19 175/10 175/24 176/7 181/14 181/22 182/5 188/13 189/5 189/14 190/3 194/24 199/11 200/21 202/10 203/4 208/9 209/25 210/14 210/14 218/24 220/24 223/12 226/9</p> <p>you've [40] 4/13 9/16 22/6 25/2 37/20 44/17 54/14 80/2 81/3 81/20 84/23 86/22 88/9 89/6 95/5 104/13 107/8 107/9 116/20 137/17 137/25 139/10 139/15 143/16 148/14 148/23 161/16 162/1 180/5 181/17</p>	<p>183/25 186/24 188/6 204/16 205/5 210/23 211/23 218/17 221/21 226/19</p> <p>you-all [3] 22/2 119/12 147/9</p> <p>young [3] 22/8 44/10 206/15</p> <p>your [357]</p> <p>yours [1] 114/17</p> <p>yourself [9] 18/20 27/2 154/25 169/6 169/15 172/7 183/18 188/22 189/8</p>
Z		
<p>zero [1] 163/3</p> <p>Zoloft [5] 215/3 215/10 215/12 215/16 215/17</p> <p>zone [2] 18/1 58/19</p> <p>zoom [3] 81/21 81/22 81/24</p>		

X

Xanax [2] 214/23 215/9

Y

yeah [21] 9/24 16/21 17/20
22/13 71/4 110/19 111/14
113/1 128/3 156/12 159/4
171/25 172/1 191/20 198/19
205/12 207/6 207/16 208/13
218/20 221/22

year [75] 34/1 56/6 58/13
58/14 58/22 58/24 75/19
75/21 82/14 83/13 90/7